

*Manly*



A B S T R A C T S

OF

TWO ACTS OF PARLIAMENT,

Passed in the THIRTEENTH YEAR of the Reign of  
His Majesty King GEORGE the First,

CONCERNING

The PUBLIC HIGHWAYS and TURNPIKE  
ROADS, within that Part of *Great Britain*  
called *England*.



[Price 1s. 6d.]

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A B S T R A C T S  
O F  
TWO ACTS OF PARLIAMENT,  
PASSED IN THE  
T H I R T E E N T H Y E A R  
Of the REIGN of His PRESENT MAJESTY,  
KING GEORGE THE THIRD.

The One Intituled,

*An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preservation of the Public Highways, within that Part of Great Britain called England, and for Other Purposes :*

The Other ACT Intituled,

*An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for Regulating the Turnpike Roads in that Part of Great Britain called England, and for Other Purposes.*

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BY A JUSTICE OF THE PEACE.

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L O N D O N :

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# ABSTRACT

OF

*An ACT passed in the Thirteenth Year of the  
Reign of King George the Third,*

FOR THE

*Amendment and Preservation of the public Highways,  
within that Part of Great Britain, called England.*

## S E C T. I.

**B**Y this act it is enacted, That on the 22d of September in every year (unless that day be Sunday, and then on the 23d), the constables, headboroughs, tythingmen, church-wardens, surveyors of the highways, and householders, assessed to any parochial or public rate, shall assemble at the church or chapel, or if no such church or chapel, then at the usual place of public meetings in every parish, township or place, at eleven in the forenoon; and the major part of them shall make a list of ten persons at the least living within such parish, township, or place, who have each of them an estate, in lands, tenements, or hereditaments, of 10*l. per annum*, or personal estate of the value of 100*l.* or who occupy houses, lands, tenements or hereditaments, of 30*l. per annum*; and if there shall not be ten persons so qualified, they shall insert the names of so many as are qualified; and the deficiency shall be supplied from the most sufficient inhabitants resident there; for the purpose of serving the office of surveyor of the highways. And the constable, headborough, or tythingman, shall, within three days after such meeting, transmit a copy of such list to one of the justices of the limit where such place shall lie, living in or near the same; and shall also deliver the original list to

Constables, &c. to make a list on the 22d of September yearly, of ten persons, at the place of public meetings, to serve as surveyors.

Constable, &c. to transmit a copy of such list to justice, and the original list to the special-sessions, the &c.

B

the

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Notice of holding session.

Justices to appoint surveyors.

Constables, &c. to give notice of such appointment.

Justices to give surveyors a charge.

Person appointed from list, refusing to serve, to forfeit 5*l*.; and any other so refusing, to forfeit 5*s*.

the justices at their special sessions, to be held for the highways, in the week next after the Michaelmas general quarter-sessions of the peace in every year; and shall also, within three days after making the said list, give personal or written notices to the persons contained therein, that they may appear before the justices, and shew cause, if they have any, against their being appointed. And the justices shall hold such special sessions at such convenient places as they shall judge proper, and give ten days notice of the time and place of holding the same, to the constables, headboroughs or tythingmen of every such parish or place. And the justices at such sessions shall, from the said lists, appoint one, two or more of such persons surveyors, if they shall think them qualified for the office; if not, one, two, or more of the other substantial inhabitants, or occupiers of lands, tenements, woods, tythes, or hereditaments, within such parish or place, living within three miles thereof, and in the same county, proper to serve the office of surveyor, if any such can be found; of which appointment, the constable, &c. shall give notice to the persons so appointed, within three days after such appointment; and every person so appointed, if he accepts the office, shall be surveyor for the year ensuing; and the justices shall then and there give the surveyors a charge, for the better performance of their duty. And if any person whose name was contained in the list, after such notice and appointment, doth not accept the office, he shall forfeit 5*l*.; and if any person so appointed, whose name was not contained in the list, shall refuse to accept the office, and shall not within six days after being served with the appointment, shew sufficient cause to one of the justices signing it, why he should not serve, he shall forfeit 5*s*. provided, that no person who hath been appointed and served the office of surveyor for one year, shall be liable to serve for the same place, within three years from the time of such first appointment and service, unless he shall consent thereto; but if no such list be returned, or the person appointed refuses to serve the office, the justices are required, at that special-sessions, or at some other to be held within a month after, to appoint some other person who they shall think proper to execute that office; and may fix a salary for such surveyor, to be paid out of the forfeitures, fines, penalties, assessments and compositions arising under this act, not exceeding one eighth



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eighth part of the amount of an assessment of 6*d.* in the pound for the highways within that place; and may require the constables, &c. to return to them an account of what such an assessment has raised, or will raise. And the constables, &c. for every neglect of duty in the several particulars before mentioned, shall forfeit 40*s.*

Constables, &c.  
for neglect or refusal,  
to forfeit  
40*s.*

### S E C T. II.

Where the justices appoint such surveyor with a salary, they shall appoint one substantial inhabitant for his assistant; and if he refuses to act, he forfeits 50*s.*; and the justices may appoint another, who shall forfeit the like sum on his refusal; and the justices may then appoint another person, with a salary.

Justices to appoint assistant to the surveyor.

### S E C T. III.

If the surveyor so appointed with a salary, resides out of the parish, &c. he shall give a bond, upon paper without stamp thereupon, to some proper person within such place, to account for the money which shall come to his hands.

Surveyor to give bond.

### S E C T. IV.

The assistant, so nominated, shall assist the surveyor, whenever requested by him, in calling in and attending the performance of the statute-duty; in collecting the compositions, fines, and forfeitures; in making and collecting the assessments; in making out and serving the notices; and in such other matters as shall be reasonably required of him by the surveyor, in the execution of his office: and such assistant shall account with, and pay to, the surveyor, all the money which shall come to his hands by the means aforesaid; and, in default thereof, he shall forfeit double the value of the money received, and not so accounted for; and if the assistant shall wilfully neglect, or make default in the performance of any part of the duty required by the act, he shall forfeit for every offence, not exceeding 5*l.* nor less than 40*s.* at the discretion of the justice of the limit within which such assistant shall be appointed: and the surveyor shall send orders, in writing, upon the assistant, for the payment of all sums due for work or materials, by virtue of the act, which amount to 40*s.* or upwards; and the surveyor shall not be accountable for any sum which shall be received by the assistant, that shall not be actually paid to such surveyor, or to his order.

Duty of the assistant.

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## S E C T. V.

Justices may appoint a person of skill to be surveyor, with a salary.

If two parts out of three of those so assembled for the nomination of surveyors, agree in the choice of any particular person of skill and experience, to serve the office of surveyor, and in settling a certain salary for his trouble therein, and return the name of such person, together with the list before directed, to the justices, at their sessions, to be held in the week next after the Michaelmas quarter-sessions; in such case, the justices, if they think proper, may appoint such person to be surveyor, and allow him the salary mentioned in such agreement, which shall be raised and paid in the same manner as the salary before-mentioned is directed to be raised and paid; and in case any surveyor shall die, or become incapable of executing that office before the next special-sessions, the justices may, at some special sessions, nominate such person as they shall think proper, to execute the said office, until such next special-sessions for appointing surveyors; and if such deceased surveyor had a salary, they may allow the same salary to his successor, in proportion to the time he shall serve the office; and if the justices appoint more than one person for surveyor of any parish or place, all persons so appointed shall be comprehended under the word Surveyor in every part of the act.

## S E C T. VI.

No tree, &c. to grow in the highway, &c.

No tree, bush, or shrub, shall be permitted to stand or grow, or be planted in highways, within the distance of fifteen feet from the center thereof (except for ornament or shelter to the house, building, or court-yard of the owner); but the same shall be cut down, grubbed up, and carried away, by the owner of the land or soil, within ten days after notice to him, his steward or agent, given by the said surveyors, on pain of forfeiting 10s. for every neglect.

## S E C T. VII.

Hedges, &c. adjoining to highways, to be cut and pruned, &c.

The possessors of the land adjoining to highways, shall cut, prune, and plash their hedges, and cut down, prune, and lop the trees growing in or near hedges or fences (except those trees planted for ornament or shelter), in such manner that the highways shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded; and if such possessor shall not, within ten days after

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after notice given by the surveyor, cut, prune, and plash such hedges, and cut down, prune, and lop such trees, the surveyor may make complaint thereof to some justice of the limit, who shall summon the possessor of the lands to appear before the justices at some special sessions for that limit, to answer the complaint; and if it shall appear to the justices, at such special-sessions, that such possessor had not complied with the requisites of the act, upon hearing the surveyor, and the possessor of such land, or his agent (or in default of his appearance, upon having due proof of the service of such summons), and considering the circumstances of the case, they may order such hedges to be cut, plashed, and pruned, and such trees to be cut down, or pruned, in such manner as may best answer the purposes aforesaid; and if the possessor of such lands shall not obey such order within ten days after it shall have been made, and he shall have had due notice thereof, he shall forfeit 2s. for every twenty-four feet in length of such hedge which shall be so neglected to be cut and plashed, and 2s. for every tree which shall be so neglected to be cut down, or pruned and lopped; and the surveyor, in case of default made by the possessor, shall cut, prune, and plash such hedges, and cut down, prune, and lop such trees; and such possessor shall be charged with, and pay, over and above the said penalties, the charges of doing the same; or, in default thereof, such charges shall be levied, together with the forfeitures, upon his goods and chattels, by warrant from a justice of peace, in the manner authorised for forfeitures incurred by this act.

### S E C T. VIII.

Ditches, drains, or water-courses, sufficient for keeping all highways dry, and conveying the water from the same, shall be made and kept open, and sufficient trunks, tunnels, plats, or bridges, shall be made where cartways, horseways, or footways, lead out of the said highways into the lands or grounds adjoining, by the occupiers of such lands or grounds; and every person who shall occupy lands or grounds adjoining to, or lying near such highway, through which the water hath used to pass from the said highway, shall, from time to time, as often as occasion shall be, open, cleanse, and scour the ditches, water-courses, or drains, for such water to pass through without

Ditches, &c. to  
be made by oc-  
cupiers of lands,  
&c.



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without obstruction; and for every default in any of the matters or things aforesaid, after ten days notice given of the same by the surveyor, they shall, for every offence, forfeit 10s.

## S E C T. IX.

No stone, &c. to be laid in the highway, on pain of 10s.

If any person shall lay in any highway, any stone, timber, straw, dung, or other matter, or in making or cleansing such ditches or water-courses, shall permit the soil, &c. dug thereout, to remain in such highway, so as to obstruct or prejudice the same, for five days after notice by the surveyor, he shall forfeit 10s. for every offence.

## S E C T. X.

Stone, &c. not to be laid in the highway, &c.

If any stone, timber, or other matter for making manure, or on any other pretence not allowed by the act, shall be laid in any highway within the distance of fifteen feet from the center thereof, and shall not, within five days after notice given by the surveyor, or person aggrieved, be removed, the owner or possessor of the lands adjacent, or any other person may, by order from a justice, take and dispose of the same to his own use.

## S E C T. XI.

Person obstructing highways, forfeits 10s.

If any person shall wilfully set any waggon or other carriage, or instrument of husbandry, in any of the said highways (except during such time only as such waggon or carriage shall be loading or unloading), so as to interrupt the free passage, he shall forfeit 10s.

## S E C T. XII.

Duty of surveyor.

The surveyors shall view all the roads, common highways, trunks, tunnels, plats, bridges, causeways, and pavements, within the parish or place for which he shall be appointed; and if they observe any nuisances, incroachments, obstructions, or annoyances therein, they shall give notice thereof to the persons offending, specifying the particulars: and if such nuisances, &c. shall not be removed, and the ditches, drains, gutters and water-courses, effectually made, scoured, cleansed and opened; and such trunks, tunnels, plats, or bridges, made and laid; and such hedges properly cut and pruned, within twenty days after such notice; the surveyor is authorised to remove such nuisances, &c. and open, cleanse, and scour, such ditches and water-courses; and make or amend



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amend such trunks, tunnels, plats, or bridges; and cut and prune such hedges, for the benefit and improvement of the said highways; and the person or persons so neglecting to make, or open and cleanse, such ditches, gutters, or water-courses, or to cut or prune such hedges, during the time aforesaid, after notice given, shall forfeit *1d. per foot*, for every foot in length which shall be so neglected; and the surveyors shall be re-imburfed the charges and expences they shall be at in any of the works aforesaid, over and above the said forfeiture: and if not paid upon demand, they shall apply to a justice, and, upon making oath before him of notice being given to the defaulter, and of the work done, and of the expences attending the same, he shall be repaid all such charges as shall be deemed reasonable by the justice; or in default of payment, on demand, the same shall be levied as the penalties and forfeitures by this act inflicted are directed to be levied.

### S E C T. XIII.

No person to be compelled, nor any surveyor permitted to cut or prune any hedge, at any other time than between the last day of September, and the last day of February; and nothing herein shall oblige any person to fell any timber-trees growing in hedges at any time whatsoever, except where the highways shall be ordered to be enlarged; or to cut down or grub up any oak-trees growing within such highway, or in such hedges, except in the months of April, May, or June; or any ash, elm, or other trees, except in December, January, February, or March.

*Time of cutting  
hedges, &c.*

### S E C T. XIV.

Where the old ditches, gutters, or water-courses, or such as shall be made, are insufficient to carry off the water which shall lie upon the highways, the surveyors, by order of one or more justices, may make new ones in and through the lands or grounds adjoining, or through any other lands or grounds, for the more easy and effectually carrying off such water; and also keep the same scoured, cleansed, and opened; and the surveyors, and their workmen, are impowered to go upon the said lands for those purposes; the surveyors making proper trunks, tunnels, plats, bridges, or arches, over such ditches, gutters, or water courses, where necessary, and keeping the same

*New ditches, &c.  
may be made.*

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same in repair, and also making satisfaction to the owner or occupier of such lands (not being waste or common), for the damages he shall sustain thereby; to be settled and paid as the damages for getting materials in inclosed grounds are directed by this act.

## S E C T. XV.

Width of cart-ways, &c.

The surveyors are required to make every cartway leading to any market-town twenty feet wide, and every horseway, or draughtway, eight feet wide; if the ground between the fences inclosing the same, will admit thereof.

## S E C T. XVI.

Narrow roads to be widened, &c. and satisfaction made to parties interested, &c.

If parties disagree, recompence to be assessed by a jury, at the quarter-sessions, &c.

Where it shall appear, upon the view of two or more justices, that the ground of any highway between the fences, is not of sufficient breadth, they are impowered to order the same to be enlarged, so as not to exceed, when enlarged, thirty feet; and so as not to pull down any house or building, or take away the ground of any garden, park, paddock, court, or yard; and the surveyor (under the direction and with the approbation of the said justices) is impowered to make an agreement with owners and other persons interested, for the recompence to be made for such ground, and for the making such new ditches and fences on that side of the highway which shall be so enlarged, according to the respective interests of the parties; and also with any other persons that may be injured by such enlarging. And if he cannot agree, or the parties cannot be found, or shall refuse to treat, or take the recompence and satisfaction offered, the justices, at any general quarter-sessions for the county, &c. wherein such ground shall lie, upon certificate, in writing, signed by the justices making such view, of their proceedings in the premises, and upon proof of fourteen days notice in writing having been given by the surveyor to the persons interested, &c. signifying an intention to apply to such quarter-sessions for the purpose of taking such ground, shall impanel a jury of twelve disinterested men out of the persons returned, to serve as jurymen at such sessions: and the jury shall, upon their oaths, to the best of their judgement, assess the damages, and recompence to be made to the owners and others interested for their respective interests, as they

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they shall think reasonable, not exceeding thirty years purchase; and likewise such recompence as they shall think reasonable for the making of a new ditch and fence to that side of the highway that shall be so enlarged; and also satisfaction to any persons that may be otherwise injured by the enlarging the said highways: and upon payment or tender of the money so awarded and assessed, or leaving it in the hands of the clerk of the peace of the county, &c. in case the parties cannot be found, or shall refuse to accept the same, for their use, the said ground shall be esteemed a public highway to all intents and purposes; saving nevertheless to the owners of such ground, all mines, minerals, and fossils, lying under the same, which can be got without breaking the surface of the said highway; and also all timber and wood growing upon such ground, to be fallen and taken by them within one month after such order shall have been made; or, in their default, to be fallen by the surveyor within the respective months aforesaid, and laid upon the land adjoining; for the benefit of the owners; and where there shall not appear sufficient money in the hands of the surveyor for the purposes aforesaid, the said two justices, in case of agreement, or the court of quarter-sessions, after such verdict, shall order an equal assessment to be made and levied upon all occupiers of lands, tenements, and hereditaments, in the respective parishes, townships, or places, where such highways shall lie, and direct the money to be paid to the persons interested, as the said justices, or court of quarter-sessions respectively, shall direct and appoint; and the money raised shall be employed and accounted for according to the order and direction of the said justices, or court of quarter-sessions, toward the purchasing the land to enlarge the said highways, for the making the said ditches and fences, and satisfaction for damages sustained: if the said assessments, be not paid within ten days after demand, they shall, by order of the justices, or court of quarter-sessions, be levied by the surveyor in manner after mentioned: but no such assessments made in any one year shall exceed 6*d.* in the pound of the yearly value of the lands, &c. assessed.

Assessment may  
be made, &c.

### S E C T. XVII.

When such new highway shall be made, the old highway shall be stopped, and the land and soil sold by the  
C
Surveyor,
Surveyor may  
sell old high-  
ways, &c.



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surveyor, with the approbation of the justices, for the value thereof; but if such old road shall lead to lands which cannot, in opinion of such justices, be accommodated with a convenient way and passage from such new highway, the old highway shall only be sold subject to the right of way and passage to such lands, according to ancient usage; and the money arising from such sale shall be applied towards the purchase of the land where such new highway shall be made: and, upon payment or tender of the money to be agreed for, and certificate signed by the justices, or chairman of the court of quarter sessions, describing the lands sold, expressing the sum agreed for, and directing to whom the same shall be paid, and upon the purchaser's taking a receipt for such purchase money from the person intitled to receive the same, by indorsement on the back of such certificate, the soil of such old highway shall become the property of such purchaser; but all mines and fossils lying under the same shall continue to be the property of the person who would have been entitled to the same, if it had continued there.

## S E C T. XVIII.

If such jury shall give a verdict for more money, as a recompence for the right of any person in such lands, or the making such fences, or for damage sustained, than what shall have been offered by the surveyor before application to the court of quarter-session; in such case the costs and expences attending the several proceedings shall be borne and paid by the surveyor, out of the monies in hands, or be assessed and raised under the powers of this act; but if they shall deliver a verdict, or assessment for no more, or for less than shall have been so offered, the costs and expences shall be borne and paid by the persons who shall have refused to accept the recompence and satisfaction offered.

## S E C T. XIX.

Justices may  
turn highways,  
&c. and order  
old ones to be  
stopped up, &c.

If it appears upon the view of two justices, that a public highway, or public bridleway or footway, may be diverted, so as to make the same nearer or more commodious to the public, and the owner of lands through which such highway, bridleway, or footway, is proposed to be made, shall consent thereto, such justices, may, by order



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order at some special-sessions, divert and turn such old highway and bridleway, and dispose of the same, and purchase the ground and soil for such new highway, bridleway, or footway, by such ways, and subject to such exceptions and conditions, as are before mentioned with regard to highways to be widened or diverted; and where any such highway, bridleway, or footway, shall be so ordered to be stopped or inclosed, and such new highway, bridleway, or footway, appropriated in lieu thereof, any person injured by such order or proceeding, or by the inclosure of any road or highway, by virtue of an inquisition taken upon any writ of *ad quod damnum*, may complain thereof, by appeal to the justices at the next general quarter-sessions, after such order made or proceeding had, upon giving ten days notice in writing of such appeal to the surveyor and party interested in such inclosure, if there shall be sufficient time for that purpose; if not, such appeal may be made upon the like notice to the next subsequent quarter-sessions, which courts of quarter-sessions are to hear and finally determine such appeal; and if no such appeal be made, or, being made, such order and proceedings shall be confirmed by the court, the inclosures may be made, and the ways stopped, and the proceedings thereupon shall be binding and conclusive to all persons; and the new highway, bridleway, or footway, so to be appropriated, shall be a public highway, bridleway, or footway, to all intents whatsoever; but no inclosures of such old highways, bridleway, or stoppage of such footway, shall be made, until such new highways, bridleway, or footway, shall be compleated, and put into good repair, and so certified by two justices, upon view thereof; which certificate shall be returned to the clerk of the peace, and by him inrolled amongst the records of the court of quarter sessions; but after such certificate, such old highways, bridleway, or footway, shall be stopped up, and the soil of such old highways or bridleway sold, in the manner, and subject to the reservations before mentioned with respect to highways to be enlarged or diverted by virtue of the act: and where any highway, bridleway, or footway, hath been turned for twelve months, either from necessity, where the same have been destroyed by floods, or slips, of the ground, on which they were made, or from other motives, if new highways, bridleways, or

Appeal to the  
quarter-sessions,  
&c.

Highways turned  
above twelve  
months, &c.

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footways, have been made in lieu thereof, nearer or more commodious to the public, and the same have been acquiesced in, and no suit or prosecution hath been commenced for the diverting or turning the same, every new highway, bridleway, or footway, set out and used in the place of that so diverted and turned, shall from henceforth be the public highway, bridleway, or footway, to all intents and purposes whatsoever; and all persons liable to the repair of such old highways, bridleway, or footway, so diverted, shall, in the same manner, continue liable to the repair of such new highways, bridleway, or footway, except where any agreement shall have been made, relative to such repairs, between the parties interested therein, which hath laid the burthen thereof upon any other person, in which case the agreement shall be observed.

## S E C T. XX.

How the old highways, &c. shall be disposed of.

No common land between the fences of any old highway shall be inclosed; and where the land lying between the fences of such highway, not being common land, shall exceed thirty feet in breadth, and not extend to fifty feet in breadth, the same shall not be stopped up or inclosed until satisfaction shall be made to the owners of such land, for so much thereof as shall exceed the said breadth of thirty feet; and if the parties cannot agree in the satisfaction to be made, the same shall be adjusted by the justices, or the jury, if a jury shall be impanelled; and if the land between the fences inclosing such highways, not being common land, shall exceed fifty feet in breadth, upon a medium, or if the old road, so to be diverted, shall lie through the open field or ground belonging to any particular person, such person, and also the person entitled to the land between the fences on the side of such highway, shall hold and enjoy the land and soil of such old highway, and pay to the surveyor, for the use of the highways, so much money as shall be agreed upon between the parties; or if they cannot agree, so much as shall be adjudged by the justices, or jury, if such jury shall be impanelled, to be adequate to the purchase of it, estimating such highway at thirty feet in breadth, upon an average.

## S E C T. XXI.

Old footways stopped up, and new ones laid out, &c.

If any footway shall be diverted through the land of the same person who owned the land where such old footway

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footway lay, the same shall be adjudged an exchange only, and no satisfaction shall be made, unless the land to be used for such new footway shall be of greater length, or of greater value, than the land used for such old footway; and if the footway shall not be turned through the lands belonging to the same person, the damage occasioned by such old footway, if the parties interested shall not agree in adjusting the same, shall be adjudged by two indifferent persons, the one to be named by the owner of the land, and the other by the two justices; and if the persons nominated cannot agree therein, they shall choose some third person to adjudge the same, whose determination shall be final; and the money at which such damages shall be assessed shall be applied in making satisfaction to the owner of the land through which such new footway shall be made.

### S E C T. XXII.

If in any parish, township, or place, where any highway shall be turned, it shall appear to the justices who are to view the same, that there are other highways within such parish, &c. besides that to be turned, which may, without inconvenience to the public, be diverted into such new highway by this act authorised to be made, or into any other highway within such parish, township, or place; and the charge of repairing such highway may be saved to such parish, &c. and such justices may order such highway, that shall appear to them to be unnecessary, to be stopped up, and the soil thereof sold, in such manner, and subject to such restrictions, and such right of appeal, to the party aggrieved thereby, as are before directed concerning the highways to be stopped up or inclosed.

Highways to be stopped up, &c. if unnecessary.

### S E C T. XXIII.

Every surveyor shall give information, upon oath, to two or more justices, of all such highways, and of all bridges, causeways, or pavements thereupon, as are out of repair, and ought to be repaired by any particular person or persons, &c. by reason of any grant, tenure, limitation, or appointment of any charitable gift; and the justices shall limit a time for repairing the same; of which notice shall be given by the surveyor to the occupiers of the lands or tenements liable to such repairs, or to such other persons as are chargeable with the same: and if such repairs shall not be effectually made within the time limited, the justices

Persons liable by tenure to repair in a limited time.



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justices are required to present such highways, &c. together with the persons liable to the repair thereof, at the next general quarter-sessions; and the court may direct the prosecution to be carried on at the general expence of such limit, and to be paid out of the general rates within such jurisdiction.

## S E C T. XXIV.

Justices of assize, &c. may make presentments, &c.

Every justice of assize, justice of the counties palatine of Chester, Lancaster, and Durham, and of the great-sessions in Wales, may, upon his or their own view, and a justice of the peace, upon information upon oath to him given by the surveyor of the highways, make presentment at their respective assizes, or great-sessions, or in the open general quarter-sessions, of any highway, causeway, or bridge, not well and sufficiently repaired, or of any other default or offence contrary to the provision and intent of this statute; and all defects in the repair thereof shall be presented in such jurisdiction where the same do lie, and not elsewhere; and no such presentment, nor any indictment for any such default or offence, shall be removed by *Certiorari*, or otherwise, out of such jurisdiction, till such indictment or presentment be traversed, and judgement thereupon given, except where the duty or obligation of repairing the said highways, causeways, or bridges, may come in question; and every such presentment shall be of the same force and effect in the law as if presented and found by the oaths of twelve men; and for every default or offence so presented, the justices of assize, counties palatine, and great-sessions, at their respective courts, and the justices of the peace at their general quarter-sessions, have authority to assess such fines as they shall think meet: Saving to the persons affected by any such presentment their lawful traverse, as well with respect to the fact of non-repair as to the duty or obligation of repairing the said highways, as they might have had upon any indictment presented and found by a grand-jury; and the justices of the peace at their general quarter-sessions, or the major part of them, may direct the prosecutions upon such presentments, as shall be made at the quarter-sessions, to be carried on at the general expence of such limit, and to be paid out of the general-rates within the same.

## S E C T.



## concerning the Highways.

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### S E C T. XXV.

The justices, at a special-sessions, may, by writing under their hands and seals, order those roads which do most want repair, within their jurisdiction, to be first amended, and at what time, and in what manner, the same shall be performed; according to which order, the surveyors of the said highways are to proceed.

What roads to be first repaired, &c.

### S E C T. XXVI.

Where several highways meet, and there is no proper or sufficient direction post or stone already erected, the justices, at some special-sessions, shall issue their precept to the surveyors, requiring them to cause to be erected, where such ways meet, a stone or post, with an inscription in large legible letters, containing the name or names of the next market town or towns, or other considerable place, to which the said highways lead; and also at the several approaches or entrances to such parts of any highways as are subject to deep or dangerous floods, graduated stones or posts, denoting the depth of water in the deepest part; and likewise such direction posts or stones as they shall judge to be necessary, for the guiding of travellers in the best and safest tract; and the surveyor shall be reimbursed the expences out of the monies received by him according to the directions of this act: And if any surveyor shall, by the space of three months after such precept, neglect or refuse to cause any such stone or post to be fixed, as aforesaid, he shall forfeit 20s.

Justices to order direction posts, to be erected.

### S E C T. XXVII.

Every surveyor, is authorised to take and carry away so much of the rubbish, or refuse stones of any quarries, lying within his parish, township, or place, (except such as shall have been got by the surveyor of any turnpike road) for the amendment of the highways, but not to dig or get stone in such quarry, without leave of the owner; and may also, in any common or waste ground, river or brook, within the parish or place, or within any other parish or place wherein materials are likely to be found, search for and get the same; so as not to prejudice or damage any building, highway, or ford; nor get the same out of any river or brook within the distance of one hundred feet above or below any bridge, nor within the like distance of any pond.

Surveyors to take materials for repairs.

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pond, dam, or wear; and likewise to gather stones lying upon any lands or grounds within the parish or place where such highway shall be, for such service and purpose; and to carry away so much of the said materials as shall be thought necessary in the amendment of the said highways, without making any satisfaction for the same; but satisfaction shall be made for all damages done to the lands or ground of any person, by carrying away the same, in manner after directed for getting and carrying materials in inclosed grounds; but no such stones shall be gathered without the consent of the occupier, or a licence from a justice.

## S E C T. XXVIII.

Beach excepted.

But no stones thrown up by the sea, to be gathered upon lands, being private property, called *Beach*.

## S E C T. XXIX.

Surveyor may  
take materials  
from inclosed  
lands or grounds.

Such surveyor may also search for, dig, and get, materials, if sufficient cannot conveniently be had within such commons or waste lands, in any of the several or inclosed lands or grounds of any person within the parish or place, (not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation,) and carry away so much as shall be thought necessary for the amendment of the said highways; the surveyor making such satisfaction for the damage, as shall be agreed upon between him and the owner, occupier, or other person interested, in the presence, and with the approbation, of two or more substantial inhabitants of the parish or place: And if they cannot agree, then such satisfaction and recompence shall be settled and ascertained by order of one or more justices of the county, &c. where such ground shall lie: And in such places, where, from the want of other materials, burnt clay may be substituted in the place thereof, the surveyor may dig clay in such places as he is impowered to dig chalk or gravel, and dry the same upon the lands adjoining, and burn the same upon any waste lands, and carry such clay in such manner as materials are allowed to be carried, upon making such satisfaction for the damages within the inclosed lands where such clay shall be placed or carried, as herein directed with regard to other materials: And when the owner of any such inclosed lands shall have occasion for such materials for repair of any highway,

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highway, or roads on his estate, or which he shall be under obligation to repair, and shall give notice to such surveyor that he apprehends there will not be sufficient for those purposes, and also for the use of the public highways; in such case, the surveyor shall not be permitted to dig or take such materials without the consent of such owner, or an order of two justices, after having summoned and heard the owner or occupier; which justices are to inquire into the nature and circumstances of the case, and to permit or restrain such power, in such manner, and under such directions, as to them shall seem just.

### S E C T. XXX.

Upon application of the surveyor to the justices, at their special-sessions, and oath made of the sums he hath expended, or that will be required for the purposes aforesaid, the justices shall, by warrant under their hands and seals, cause an equal assessment to be made for the purposes aforesaid, upon all occupiers of lands, tenements, and hereditaments, within such parish or place where such money shall be laid out; and the same shall be collected by such person, and allowed in such manner, as the justices, by their order at such sessions, shall direct; and the money thereby raised shall be employed and accounted for, for the purposes before-mentioned, and the assessment shall be levied in manner as after mentioned: Provided no such assessment, in any one year shall exceed the rate of 6*d.* in the pound of the yearly value of the lands and hereditaments so to be assessed.

Assessments to be made for buying materials, &c.

### S E C T. XXXI.

If any surveyor, or person employed by him, shall make any pit or hole in such lands or grounds, rivers or brooks, wherein such materials shall be found, such surveyor or person shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired, during such time as the pit or hole shall continue open, and shall, within three days after such pit shall be opened or made, where no gravel, or materials, shall be found, cause the same to be forthwith filled up, levelled, and covered with the turf or clod which was dug out of the same; and where such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up, sloped down, or fenced off, and

Surveyor to fill up pits or holes, &c.



## Abstract of an Act

so continued; and every surveyor shall, within twenty days after he shall be appointed to that office, cause all the pits and holes which shall then be open, and not likely to be further useful, to be filled up or sloped down, in manner aforesaid; and if they are likely to be further useful, he shall secure the same by posts, rails, or other fences, to prevent accidents; and if such surveyor, or person, shall neglect to fill up, slope down, or fence off, such pit or hole, he or they shall forfeit 10s. for every such default: And if such surveyor or person shall neglect to fence off such pit or hole, or to slope down the same, as before directed, for six days after notice for either of those purposes from any justice, or from the owner of such ground, river, or brook, or any person having right of common within such common or waste lands, as aforesaid, and such neglect shall be proved upon oath before the said justices, such surveyor, or person, shall forfeit not exceeding 10l. nor less than 40s. for every such neglect; to be determined and adjudged by such justices, and to be laid out in the fencing off, filling up, or sloping down, such pit or hole, and toward the repair of the roads in the parish, township, or place, where the offence shall be committed, in such manner as the justices shall direct; which forfeiture, in case the same be not forthwith paid, shall be levied as other forfeitures are after directed to be levied.

## S E C T. XXXII.

Time of removing materials.

No stone, gravel, or materials, dug for the use of any other parish, township, or place, than that wherein the same are found, shall be removed or carried from the place where they shall be so dug at any other time than between April 1, and November 1, or in the time of hard frost.

## S E C T. XXXIII.

Penalty for damaging mills, &c.

If any person shall dig materials for the highways, whereby any bridge, mill, building, dam, highway, ford, mines, or tinworks, may be endangered; every offender, therein shall forfeit, not exceeding 5l. nor less than 20s. at the discretion of the court or justices before whom complaint shall be made.

## S E C T. XXXIV.

Statute-duty.

The surveyor, and the inhabitants and occupiers of lands, tenements, and hereditaments, within each parish, township,



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township, or place, shall, at proper seasons in every year, use their endeavours for the repair of the highways, and shall be chargeable thereunto, as followeth, *viz.* Every person who keeps a waggon, cart, wain, plough, or tumbrel, and three horses or beasts of draught used to draw the same, shall be deemed to keep a team, draught, or plough, and be liable to perform statute-duty with the same, in the parish, township, or place, where he resides, and shall, six days in every year, (if necessary) to be computed from Michaelmas to Michaelmas, send, on every day, and at every place, to be appointed by the surveyor, one wain, cart, or carriage, furnished after the custom of the country, with oxen, horses, or cattle, and other necessities fit to carry things for that purpose, and also two able men with such wain, cart, or carriage; which duty shall excuse every such person from his duty in such parish or place in respect of lands, tenements, or hereditaments, not exceeding the annual value of 50*l.* which he shall occupy therein: And every person keeping such team, draught, or plough, and occupying in the same parish or place, lands, tenements, or hereditaments, of the yearly value of 50*l.* beyond the yearly value of 50*l.* in respect whereof such team-duty shall be performed, and every such person occupying lands, tenements, or hereditaments, of the yearly value of 50*l.* in any other parish, township, or place, besides that wherein he resides, and every other person not keeping a team, draught, or plough, but occupying lands, tenements, or hereditaments, of the yearly value of 50*l.* in any parish, township, or place, shall, in like manner, and for the same number of days, send one wain, cart, or carriage, furnished with not less than three horses, or four oxen and one horse, or two oxen and two horses, and two able men to each wain, cart, or carriage; and, in like manner, for every 50*l.* *per annum* respectively which every such person shall further occupy in any such parish, township, or place; such wains, carts, or carriages, to be employed by the surveyor in the repairing and amending the highways within the parish, township, or place, where such lands, tenements, or hereditaments, shall lie; and every person who shall not keep a team, draught, or plough, but shall occupy lands, tenements, or hereditaments, under the yearly value of 50*l.* in the parish, township, or place, where he resides, or in any other parish, township, or place; and every person keeping a

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team,

## Abstract of an Act

Contribution in  
money by person  
keeping team &  
occupying under  
50*l*.

team, draught, or plough, and occupying lands, tenements, or hereditaments, under the yearly value of 50*l*. in any other parish, township, or place, than that wherein he resides, shall respectively contribute to the repair of the highways, and pay to the surveyor of such parish, township, or place, in lieu of such duty, the sums following; *viz.* For every 20*s*. of the annual value of such lands, tenements, or hereditaments, 1*d*. for every day's statute duty which shall be required and called for by the surveyor of such parish, township, or place, in every year, not exceeding six day's duty in the whole; and every such person shall, in like manner, pay 1*d*. for every 20*s*. of the annual value of the lands, tenements, and hereditaments, which he shall occupy in such parish, township, or place, above the annual value of 50*l*. and less than 100*l*. and so for every 20*s*. that each progressive and intermediate annual value of 20*s*. of the lands, tenements, and hereditaments, which he shall so occupy, shall fall short of the further increase of 50*l*. in every parish, township, or place, where such lands, tenements, and hereditaments, shall lie, for every day's statute-duty so to be required; which said sums shall be considered as compositions, and shall be paid to the surveyor of the parish, township, or place, in which they are charged, for the use of the highways therein, at the time such compositions are to be paid by this act, or within ten days after; or, in default of such payment, such money shall be levied by distress and sale of the goods and chattels of the person refusing to pay the same, in such manner as the forfeitures for the neglect in performing the statute-duty are authorised to be raised: Provided, that no person keeping such team, draught, or plough, and performing duty with the same, in the parish, township, or place, where he resides, and not occupying lands, tenements, or hereditaments, within the same, of the yearly value of 30*l*. shall be obliged to send more than one labourer with such team, draught, or plough.

## S E C T. XXXV.

Duty of person  
not keeping a  
team, &c.

Every person who shall not keep a team, draught, or plough, but shall keep one or more cart or carts, and one or two horses or beasts of draught only, used to draw in each of such carts upon the highways, shall be obliged to perform his statute-duty for the like number of days with such carts, horses, or beasts of draught, and one labourer to attend each cart, or to pay for the lands, tenements, and

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and hereditaments, which he shall occupy, according to the rate aforesaid, at the option of the surveyor; and every person keeping a coach, postchaise, chair, or wheel-carriage, and not keeping a team, draught, or plough, nor occupying lands, tenements, or hereditaments, of the annual value of 50*l.* in the parish, township, or place, where he shall reside, shall pay to the surveyor 1*s.* in respect of every such day's statute-duty, for every horse which he shall draw in such carriage, or shall pay according to the value of the lands, tenements, or hereditaments, which he shall occupy, according to the rate aforesaid, at the option of the surveyor; and every man inhabiting in any parish, township, or place, and being of the age of eighteen, and under sixty years, not chargeable in any of the respects aforesaid for lands, tenements, or hereditaments, of the yearly value of 4*l.* or upwards, and not being *bona fide* an apprentice or menial servant, nor having performed the said duty, or paid the composition for the same, in any other parish, township, or place, for that year, shall, by themselves, or one sufficient labourer for every of them, upon every of the said days on which they shall be called forth by the surveyor, together with the other labourers, work in the amendment of the said highways, as they shall be directed by such surveyor; and if the said teams, draughts, or ploughs, shall not be thought needful by the surveyor, on any of the said days, then every such person who should have sent any such team, draught, or plough, according to the directions aforesaid, shall, according to notice to be given as after directed, send unto the said work, for every one so spared, three able men, there to labour as aforesaid, or to pay to the said surveyor the sum of 4*s.* 6*d.* in lieu thereof; and all such persons shall respectively have and bring with them such shovels, spades, picks, mattocks, tools, and instruments, as are useful for the purposes aforesaid; and all the said persons and carriages shall diligently perform the work to which they shall be appointed by such surveyor for eight hours in every of the said days, within such parish, township, or place, or in getting and carrying materials in and from any other parish, township, or place, to be employed in the repair of the highways of the parish, township, or place, for which they shall be required to perform such duty: And if any person sending a team shall not send a sufficient labourer besides the driver, (except as before mentioned;)

Duty of person  
keeping coach,  
postchaise, &c.

Duty of persons  
not chargeable  
for land, &c.

Men or money  
to be sent in lieu  
of team, &c.



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mentioned;) or if any such labourer, or the driver of any cart, required by the act to perform statute-duty, shall refuse to work, during the time above mentioned, according to the direction of the surveyor; or if any driver shall refuse to carry proper loads; such surveyor may discharge every such team, cart, or labourer, and recover from the owner of every such team or cart the forfeiture which such person would have incurred by this act, in case no such team, cart, or labourer, had been sent.

## S E C T. XXXVI.

Part of team  
may be called for  
by surveyor.

The surveyor, where the employment for teams is of such sort that two horses will be sufficient for one cart, or where a stand cart with one horse shall be necessary, may call upon any person liable to send a team, draught, or plough, by virtue of the act, who keeps carts, and three or more horses, to send such carts or horses, to perform his statute-duty, as the surveyor shall direct; and the surveyor shall allow every such stand cart and horse as half a team, and every cart and two horses as two-thirds of a team; and if a waggon shall be found necessary for any particular business, the surveyor may require the duty to be performed with such waggon, by any person who keeps one; which directions shall be observed, or the person liable to perform such duty shall forfeit such sum as the duty so required of him shall bear, in proportion to the forfeiture hereby inflicted for every neglect in performing duty with a team, draught, or plough.

## S E C T. XXXVII.

Notice of performing the  
duty.

Penalty for every  
default or neglect.

Every surveyor shall, from time to time, give to, or cause to be left at the house or usual place of abode of every person or persons so liable to perform such duty, four days notice at the least, of the day, hour, and place, upon which each of the said day's duty shall be required; and every person making default in sending each wain, cart, or carriage, furnished as aforesaid, and such able men with the same, or in performing the said duty in manner directed, shall, for every such default or neglect in sending such wain, cart, or carriage, with such men, forfeit 10s. and for every default in sending every cart with one horse and one man, 3s. and for not sending every cart with two horses and one man, 5s. And every person or persons making default in sending any such labourer, and in

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in performing such labour, at the time, place, and in manner, directed by the act, or in paying such composition-money for the same, shall, for every such neglect, forfeit 1s. 6d.; all which forfeitures shall be applied for the use of the highways within the parish, township, or place, where the same shall arise; and the surveyor shall fairly and equally demand such duty and labour from every person liable to perform the same, according to the directions of the act, without favour or partiality: and if in any parish, township, or place, it shall not be necessary to call forth the whole duty in any year, it shall be abated in a just and equal proportion amongst all persons liable to the same; and the surveyor shall, with all convenient speed, after default made in performance of such duty, proceed for the recovery of the penalties inflicted, in manner herein after directed.

### S E C T. XXXVIII.

Any person liable to perform the duty, by sending teams, draughts, or ploughs, with men, horses, or oxen, may compound for the same, if he shall think fit, by paying to the surveyor, at the time, and in the manner aftermentioned, such sums as the justices for the limit wherein such parish, township, or place, shall be, at their said special-sessions, to be held in the first week after Michaelmas quarter-sessions in every year, shall judge reasonable, not exceeding 6s. nor less than 3s. for each team, draught, or plough, for each day; and in default of their adjudging the same, the sum of 4s. 6d. in lieu of every such day's duty for each team, draught, or plough; and for every cart, and one horse, or beast of draught, 2s.; and for every cart with two horses or beasts of draught, 3s. in lieu of every day's duty; and every inhabitant liable to perform such labour, and not chargeable in any other respect, may compound for the same, if he shall think fit, by paying to the surveyor 4d. in lieu of every such day's duty or labour, at the time, and in the manner after directed.

Compositions for  
statute-duty.

### S E C T. XXXIX.

If it shall appear to the justices, at their special-sessions, to be held in the week next after Michaelmas quarter-sessions, that there will be difficulty in procuring the necessary carriage, or a sufficient number of labourers,  
for

Team-duty, or  
labour in kind,  
may be ordered  
by the justices.

## Abstract of an Act

for the repair of the highways, in any parish, townships or place, within their limits, without paying extravagant prices for the same, such justices may direct the team-duty required, or so much thereof as they shall think fit, to be performed in kind, within every such parish or place, except in respect of such teams as belong to persons who do not occupy lands, tenements, or hereditaments, of the annual value of 30*l.* within the same; and also order the labourers, liable by the act to compound for statute-duty, or such part of them as they shall think fit, to perform six days labour upon such highways in kind, in case so many days duty shall be required, upon being paid for such labour the usual wages given to labourers in such parish, township, or place, deducting thereout 4*d.* for each day's duty so performed, being the composition allowed for labourers: provided, that if part of such teams or labourers only are required, it shall be directed by the order of the justices in some given proportion, as one half, third, or fourth part thereof; and the surveyor shall in that case, at a public vestry for such parish, township, or place, put the names of all the persons liable to send such teams into one hat or box, and the names of all the persons liable to perform such labour into another hat or box, and some inhabitant then present, shall draw out such number from each as shall be equal to the proportion ordered by the justices, and the persons so drawn shall perform such duty in kind for that year; and if any such order shall be continued in the subsequent year, the same method shall be observed, but the names drawn in the preceding year shall not be put into such hat or box; and in every succeeding year such method and regulation shall be observed by such surveyor, as to render the duty required to be performed in kind as equal amongst the persons liable as may be; which order of the justices, so far as extended, shall supersede the power or liberty of compounding, and shall be binding to all intents, and continue in force until it shall be discharged by the justices at some subsequent special-sessions for the highways within such limit, to be held in the week next after Michaelmas quarter session.

## S E C T. XL.

Duty may be mitigated by the justices.

If any person who shall keep a team, draught, or plough, and shall not occupy lands, tenements, or hereditaments,



## concerning the Highways.

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reditaments, to the value of 30*l. per annum*, in the parish, township, or place, where he shall reside, but shall in part maintain his horses and beasts of draught used in such team upon lands which he shall occupy in adjacent parishes, the said justices, at some special-sessions, may mitigate the duty or composition required to be performed by such person, in such manner, and to such sum, as they shall think just.

### S E C T. XLI.

The surveyor shall, on some Sunday in November, cause ten days notice to be given in the church or chapel of such parish or place, and if there be no church or chapel, or no service performed therein, at the most public place there, and repeat the like notice in such church, chapel, or place, on the next succeeding Sunday, of the time and place when and where the persons permitted by this act, and inclined to compound for the duty, in manner aforesaid, may signify to such surveyor their intention to compound; and all persons signifying the same, who shall then, or within one calendar month afterwards, pay to such surveyor the composition allowed by the act, shall be discharged from the performance of such duty, which composition-money shall be employed by the surveyor for the use of the highways; and no composition shall be permitted, unless the same shall be paid at the day, or within the time aforesaid; but in cases where the occupation of lands, tenements, or hereditaments, shall be changed, or any new occupant shall come to reside in such parish, township, or place, after the time appointed for such composition, the person occupying such lands, tenements, or hereditaments, or so residing in such parish, township, or place, shall be allowed to compound in manner aforesaid, provided he shall pay the composition-money to the surveyor within fourteen days after he shall enter upon such lands, tenements, or hereditaments, or shall come to reside in such parish, township, or place; and every tenant or occupier of lands, tenements, or hereditaments, who intends to quit the possession thereof within six calendar months from the time fixed for making such composition, may compound for half the duty required, and the succeeding tenant may, in that case, perform the duty in kind for the other half thereof; and if the surveyor shall

Notice to be  
given of the time  
and place of com-  
pounding.

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receive

## Abstract of an Act

receive from any person a composition for more duty than shall be required from the other inhabitants and occupiers within the same parish, township, or place, for the same year, he shall repay such extraordinary composition-money to such person, so as to bring the duty to an equality amongst all inhabitants and occupiers liable to the duty.

## S E C T. XLII.

Payment by person keeping draught or plough, and no carriage.

In every parish, township, or place, where any person shall keep a draught or plough, and no carriage, he shall pay to the surveyor 1s. for every horse, or pair of oxen or neat cattle, used in such draught or plough, for every day's statute-duty on the day such duty is required to be performed, or pay according to the rate aforesaid for the lands, tenements, and hereditaments, which he shall occupy in such parish, township, or place, at the option of the surveyor.

## S E C T. XLIII.

Times when statute-day may not be performed.

The inhabitants of every parish, township, or place at some vestry or public meeting, to be held pursuant to the act, may appoint three months in every year within which no statute-duty shall be called forth; viz. one month in the Spring, to be called The Seed Month; one month in the Summer, for the hay harvest; and one other month in the Summer, for the corn harvest: provided, that notice, in writing be given of the times so appointed, to the surveyor of such parish, township, or place, and also to the surveyor of every turnpike road lying within the same, within three days after every such meeting, and fourteen days at least before the beginning of each of such months.

## S E C T. XLIV.

Money received and due to turnpike-roads, shall be paid to the treasurer.

And where by several acts concerning turnpike roads, a certain part of the statute-duty is directed to be performed on such roads, and it may happen in some places, that the several persons liable thereto may have compounded for the same, it is enacted, that in all such cases, the surveyor for the parish or place where such composition shall have been made, shall pay to the treasurer or surveyor of such turnpike roads a certain part of the composition-money so received, to be proportioned according to the number of days duty which such person was

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was liable to perform on such turnpike road; which money shall be expended on such part of the said turnpike road as lies within the parish, or place, from which it was received, and not elsewhere; and if such surveyor shall refuse to pay to the treasurer or surveyor of such turnpike road such part of the money so received by him, within twenty days after he shall have received the same, upon demand made by such treasurer or surveyor, the same may be levied upon the goods and chattels of such surveyor, in such manner as penalties are authorised to be levied.

### S E C T. XLV.

If upon application of the surveyor of any parish or place to the justices of the peace for the limit wherein such parish or place lieth, at their general or quarter-sessions, or at some special-session for the highways, the justices shall be fully satisfied, by proof upon oath, that the duty directed, and the money authorised to be collected, has been performed, applied and expended, according to the directions of the act, or shall be fully satisfied that the common highways, bridges, causeways, streets, or pavements, belonging to such parish or place, are so far out of order that they cannot be sufficiently amended, paved, and supported, by the means before prescribed, (notice being first given of such intended application at the church or chapel of such parish or place, on some Sunday preceding such quarter or special-sessions, or if the place be extraparochial, notice, in writing, being first given of such intended application to some of the principal inhabitants residing in such extraparochial place, a week at least before such general or special-sessions;) then an equal assessment upon the occupier of lands, tenements, and hereditaments, within any such parish or place, shall be made and collected by such person, and allowed in such manner, as the justices by their order, at such general or special-sessions, shall direct in that behalf; and the money raised shall be employed and accounted for, according to the directions of the justices, towards the amending, repairing, paving, and supporting, such highways, causeways, and streets, from time to time.

*If statute-duty and money not sufficient, justices may order an assessment.*

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S E C T.



## S E C T. XLVI.

Assessment not to exceed 9d. in the pound.

The assessment last before authorised, and the assessment before authorised, for buying materials, making satisfaction for damages, erecting guide-posts, and paying the surveyor's salary, shall not together, in any one year, exceed the rate of 9d. in the pound of the yearly value of the lands, tenements, woods, tythes, and hereditaments, so to be assessed.

## S E C T. XLVII.

How penalties and forfeitures are to be applied.

No fine, issue, penalty, or forfeiture, for not repairing the highways, or not appearing to any indictment or presentment for not repairing the same, shall be returned into the Exchequer, or other court, but shall be levied by and paid into the hands of such person residing near the parish, township, or place, where the road shall lie, as the court imposing such fines, issues, penalties, or forfeitures, shall direct, to be applied towards the repair and amendment of such highways; and the person so ordered to receive such fine, shall receive, apply, and account for the same, according to the direction of such court, or, in default thereof, shall forfeit double the sum received; and if any fine, issue, penalty, or forfeiture, to be imposed on such parish or place, for not repairing the highways, or not appearing, shall be levied on any one of the inhabitants of such parish or place, such inhabitant may make his complaint to the justices, at their special-sessions; and they are, by warrant under their hands and seals, to cause a rate to be made, according to the form and manner last before prescribed, for the reimbursing such inhabitant the monies so levied on him, as aforesaid; which rate so made, and confirmed by two justices, shall be collected by the surveyor of the highways of such parish or place, so presented or indicted; and the surveyor shall, within one month next after the making and confirming the rate aforesaid, collect, levy, and pay unto such inhabitant the money so levied on him as aforesaid.

## S E C T. XLVIII.

Surveyor to keep books, and enter accounts of all money received and paid.

The surveyors of the highways for every parish, or place, shall carefully and diligently collect the several assessments, forfeitures, penalties, sums, and compositions, directed and allowed to be received and taken within the same

same by this act, within the year for which he is appointed surveyor, and shall keep books, in which he shall fairly enter a just and fair account of all such money as shall come to his hands, or to the hands of the assistant, in respect of such parish or place, and to whom, and on what occasion, he shall have paid the same; and shall also enter into such books, lists of all such sums as shall then remain due from any person, in respect of the payments, compositions, assessments, or forfeitures, to be collected or taken in respect of the said highways, by virtue of the act; and the said surveyor shall also enter in the books an account of all tools, materials, implements, and things, provided by order of the inhabitants, at a vestry or public meeting for the repair of the highways, at the public expence of such parish, or place; and shall produce such books, and the assessments made within that year, unto the inhabitants of the parish or place to which they belong, at a vestry or public meeting to be held for that purpose, within fifteen days before the said special-sessions so to be held in the week next after Michaelmas quarter-sessions, to the intent that the said accounts, assessments, and lists, may be inspected by the inhabitants of such parish, township, or place; and every such surveyor shall, after the said books and assessments shall have been produced at such meeting, take the same to such justice for the limit wherein such parish, township, or place, doth lie, and on such day, and at such hour, as shall be agreed upon at such meeting, some day after the meeting of the inhabitants, and before such special-sessions, and then and there verify such account, upon oath, if required; and such justice may allow such account, if he finds it just, or postpone it until such special-sessions, if he finds cause for so doing, in which case it may be settled and allowed at such special sessions, after the parts objected to by such justice shall have been explained and verified by proper evidence, to the satisfaction of the justices at such special-sessions; and in case any articles contained in such accounts shall not be explained and proved to the satisfaction of such justices, they may disallow the same; and when the accounts shall be so settled and allowed, or disallowed, all such books and assessments shall be transmitted to the church-warden or overseer of the poor for such parish or place, or, if the place be extra-parochial, to some principal inhabitant, to be

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New surveyor to  
collect arrears,  
&c.

be kept for the use of such parish, township, or place; and the said surveyor shall forthwith deliver a duplicate of such book and account, together with all sums that shall remain in his hands, and likewise all tools, materials, implements, and things, to the succeeding surveyor for such parish, township, or place. in case any new surveyor shall be appointed, or retain the same in his hands, and account for them in his next account, if he shall be continued surveyor for such parish, township, or place, in the succeeding year; and the succeeding surveyor is hereby authorized to recover, collect, and receive, all such sums which shall be owing as aforesaid, by all such ways and means, as fully, to all intents, as the preceding surveyor could, or ought to have recovered, collected, or received the same: and in case such surveyor shall neglect to provide such books, or to enter such accounts and lists, or to deliver the said books, and such duplicate, and assessments, tools, materials, implements, and things, in manner aforesaid, he shall, for every offence, forfeit not exceeding 5*l.* nor less than 40*s.*; and in case he shall make default in the paying or accounting for the money remaining in his hands, within the time, and according to the directions aforesaid, he shall forfeit double the value of the money which shall be adjudged by the justices to be in his hands; and in case such surveyor shall die before such accounts and lists shall be made out, or such monies, books, assessments, tools, materials, and implements, shall be delivered and paid, the executors or administrators of such surveyor shall make out, and deliver the same, in like manner, and under the like penalty, as such surveyor is required and made liable to; and every surveyor shall pay to the justices clerks, for the appointment and charge, 1*s.*; for the bond 6*d.*; and for the account so to be examined and taken, and for the oath so to be administered, 1*s.* and no more; and if any person shall receive any greater sum or fee for the business aforesaid than before mentioned, he shall forfeit 10*l.* for every offence.

Fees to be paid  
by surveyor.

## S E C T. XLIX.

Surveyor to con-  
tract for mate-  
rials, &c.

In every parish, township, or place, where a sufficient quantity of stone, gravel, chalk, or other materials, cannot be provided and carried by the labourers and teams required to perform statute-duty within such parish, township,



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township, or place, the surveyor shall contract for the getting and carrying thereof, (in the presence of the assistant,) at a meeting to be held for that purpose, of which ten days notice in writing shall be given, by fixing the same upon the door of the church or chapel of such parish, township, or place, or if there be no church or chapel, at the most public place there; which notice shall specify the work to be done, and the time and place for letting thereof; and if any surveyor shall have any part or interest, directly, or indirectly, in such contract or bargain, for work or materials to be made or provided, for or on account of any of the highways, roads, bridges, or works, under his care or management, or shall, upon his own account, directly or indirectly, let to hire any team, or sell or dispose of any timber, stone, or materials, to be used in making or repairing such roads, bridges, or works, (unless a licence, in writing, for the sale of such materials, or to let to hire any such team, be first obtained from some justice within that limit,) he shall forfeit, for every offence, 10*l.* and be for ever after incapable of being employed as a surveyor with a salary.

### S E C T. L.

If any surveyor of the highways, after his acceptance of the office, shall neglect his duty in any thing required, for which no penalty is imposed, he shall forfeit for every offence, not exceeding 5*l.* nor less than 10*s.* at the discretion of the justice having jurisdiction therein.

Penalty on surveyor neglecting duty.

### S E C T. LI.

Where any lands have been given for the maintenance of causeways, pavements, highways, and bridges, all persons who are or shall be enfeoffed with such lands, shall let them to farm at the most improved yearly value, without fine; and the justices in their open sessions, may inquire, by such ways and means as they shall think fit, into the value of all such lands so given, and order the improvement and employment of the rents and profits thereof according to the will and direction of the donor of such lands, if they find that the persons so intrusted have been negligent in the performance or trust (except such lands have been given for the uses aforesaid to any college or hall in either of the universities of the kingdom, which have visitors of their own.)

Lands given for maintenance of highways, &c. may be let to farm.

### S E C T.

## Abstract of an Act

## S E C T. LII.

Persons damaging banks, &c. forfeit 5*l*.

Every person who shall be guilty of pulling up, removing, cutting down, or damaging posts, blocks, or stones, fixed on the sides of highways, or upon the battlements of bridges, &c. shall, upon complaint thereof made to any justice of the peace of the limit where the same shall be proved to be done, by the oath of a credible witness, or upon view of the justice himself, forfeit, for every offence, not exceeding 5*l*. nor less than 10*s*. and in default of payment thereof shall be committed to the house of correction of such limit, there to be whipped, and kept to hard labour for any time not exceeding one calendar month, nor less than seven days.

## S E C T. LIII.

Justices of corporations, &c.

The justices of the peace of all cities, corporations, boroughs, and places, are required to put in execution every part of the act within their jurisdiction.

## S E C T. LIV.

No salary to be allowed without consent of leaseholders.

Nothing shall impower justices for any city, town corporate, or borough, to fix any salary to or for any surveyor to be appointed by such justice, other than such salary as shall be agreed upon by two parts out of three of the persons assembled in the parish or place, within such city, town corporate, or borough, for which such surveyor shall be appointed, according to the directions of the act.

## S E C T. LV.

Number of horses allowed for waggons and carts.

No waggon, having the sole or bottom of the fellies of the wheels of the breadth of nine inches, shall go or be drawn with more than eight horses; and no cart, having the sole or bottom of the fellies of the wheels thereof of the breadth of nine inches, shall be drawn with more than five horses; and no waggon, having the sole or bottom of the fellies of the wheels of the breadth of six inches, and rolling on each side a surface of nine inches, shall be drawn with more than seven horses; and no such waggon rolling a surface of six inches only, shall go or be drawn with more than six horses; and no cart, having the sole or bottom of the fellies of the wheels of the breadth of six inches, shall go or be drawn with more than four horses; and no waggon having the sole or bottom of

of the fellies of the wheels of less breadth than six inches, shall go or be drawn with more than five horses; and no cart having the sole or bottom of the fellies of the wheels of less breadth than six inches, shall go or be drawn with more than three horses upon such highways, under the pains, penalties, and forfeitures after mentioned; viz. That the owner of such waggon or cart, shall forfeit 5*l*. and the driver, not being the owner, 10*s*. for every horse or beast which shall be so drawing above the number limited as aforesaid, to the sole benefit of the informer; but carriages moving upon wheels or rollers, of the breadth of sixteen inches on each side thereof, with flat surfaces, are allowed to be drawn with any number of horses, or other cattle.

Owner offending to forfeit 5*l*.

S E C T. LVI.

No prosecution shall be commenced before a justice, by way of information, for any forfeiture incurred by the owner or driver of a carriage, having a greater number of horses than are allowed by the act, unless such information be laid within three days after the offence committed; and no action shall be commenced for such offence, unless the same be commenced within one calendar month after the offence committed; and neither such information or action shall be laid unless notice shall be given by the informer to the driver of such carriage, on the day upon which the offence shall be committed, of an intention to complain of such offence; and if it shall appear to the justice before whom such complaint shall be made, that the offender lives so remote as to make it inconvenient to summon him to appear before such justice, the justice may dismiss the complaint, and leave the informer to his remedy by action at law.

Informations to be laid in three days.

Action to be commenced in a month.

S E C T. LVII.

The justices, at their general quarter-sessions, to be held in the week after Michaelmas, may license, in such manner, and for such time, as they shall think fit, an increase of the number of horses to be used in carriages up any steep hill, or on any road not turnpike, within their jurisdictions, over and above the number before limited, if, upon inquiry into the state of such roads, they shall find an additional number of horses necessary; and, from time to time, at any Michaelmas quarter-sessions, may revoke, alter, or vary the same.

Justices to license additional horses.

F

S E C T.



## Abstract of an Act

## S E C T. LVIII.

Justices to stop  
proceedings on  
account of ice or  
deep snow.

If it shall appear upon the oaths of credible witnesses, to the satisfaction of any justice, or of any court authorised to enforce the execution of the act, that any waggon, cart, or carriage, could not, by reason of deep snow or ice, be drawn by the number of horses or beasts of draught hereby allowed; then such justice, or court may stop all proceedings before them for the recovery of any forfeiture which may have been incurred by drawing with a greater number of horses or beasts of draught than are allowed; provided, that the regulations before mentioned, concerning the number of horses, and wheels of carriages, shall not be deemed to extend to carts, waggons, or carriages, employed only in carrying one stone, block of marble, cable rope, piece of metal, or piece of timber, or to such ammunition as shall be for his majesty's service; and that two oxen or horned cattle shall, for all the purposes of the act, be considered as one horse.

Two oxen to be  
deemed one  
horse.

## S E C T. LIX.

Owner of wag-  
gon, &c. to paint  
his name there-  
on, &c.

For the better discovery of offenders, the owner of every waggon, wain, or cart, and also of every coach, post-chaise, or carriage, let to hire, shall paint, upon some conspicuous part of his waggon, wain, or cart, and upon the pannels of the doors of all coaches, post-chaisses, or carriages, before the same shall be used, his christian and surname, and the place of his abode, in large legible letters, and continue the same thereupon, so long as such waggon, cart, coach, post-chaise, or carriage, shall be used; and the owner of every common stage waggon or cart, employed as travelling stages from town to town, shall, over and above his christian and surname, paint, on the part, and in the manner aforesaid, the following words, common stage waggon, or cart, as the case may be; and every person using any such carriage upon any highway, without the names and descriptions painted thereon, as aforesaid, or who shall paint any false or fictitious name, or place of abode, on such waggon, wain, cart, coach, post-chaise, or carriage, shall forfeit, for every offence, not exceeding 5*l.* nor less than 20*s.*

## S E C T.

S E C T. LX.

If the driver of any cart, car, dray, or waggon, shall ride upon any such carriage in any street or highway, not having some other person on foot, or on horseback, to guide the same, (such carriages as are conducted by some person holding the reins of the horse or horses drawing the same excepted); or if the driver of any carriage on any part of any street or highway shall, by negligence, or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such street or highway, or shall quit the highway, and go on the other side the hedge or fence inclosing the same; or wilfully be at such distance from such carriage, whilst it shall be passing upon such highway, that he cannot have the direction of the horses or cattle drawing the same; or shall, by negligence, prevent, or interrupt the free passage of any carriage, or of his majesty's subjects, on the highways; or if the driver of any empty or unloaded waggon, cart, or carriage, shall refuse to turn aside and make way for any coach, chariot, chaise, loaded waggon, cart, or loaded carriage; or if any person shall drive, or act as the driver, of any coach, post-chaise, or carriage, let for hire, or waggon, wain, or cart, not having the owner's name, as before required, painted thereon, or shall refuse to discover the true christian and surname of the owner of such carriages; every such driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his confession, the view of a justice, or by the oath of credible witnesses, before any justice of the limit where such offence shall be committed, shall, for every offence, forfeit, not exceeding 10s. in case such driver shall not be the owner of such carriage; and in case the offender be owner of such carriage, then any sum not exceeding 20s. And in either of the said cases, shall, in default of payment, be committed to the house of correction, for any time not exceeding one month, unless the same shall be sooner paid; and every such driver, offending in either of the cases, may, with or without warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed to a constable or peace officer, in order to be conveyed before some justice, to be dealt with according to law: And, if such driver, in any of the cases aforesaid, shall refuse to dis-

Misbehaviour or negligence of drivers punishable.

## Abstract of an Act

cover his name, the justice, before whom he shall be taken, or to whom such complaint shall be made, may commit him to the house of correction not exceeding three months, or proceed against him for the penalty aforesaid, by a description of his person and the offence, and expressing in such proceedings, that he refused to discover his name.

## S E C T. LXI.

Two justices to hold special-sessions.

Two or more justices are impowered, whenever they shall judge proper, to hold any special-sessions, besides that which is before directed, for executing the purposes of the act; and adjourn the same from time to time, as they shall think fit, causing notice to be given of the time and place of holding such special-sessions, and of the adjournments thereof, to the justices acting and residing within such limits, by the high constable or other officer within the same.

## S E C T. LXII.

No alehouse to be kept on bridge.

If any person collecting tolls payable for passing over a public bridge with carriages or cattle of any kind shall keep a victualling-house, alehouse, or place of publick entertainment, or shall sell any wine, beer, ale, cyder, spirituous liquors, or strong liquors, by retail, he being lawfully convicted of such offence, by oath of credible witnesses, or by confession, before a justice, shall, for every offence, forfeit 5*l*.

## S E C T. LXIII.

Forfeiture for incroaching on highways.

If any person shall incroach, by making any hedge, ditch, or fence, on any highway, not being turnpike road, within the distance of fifteen feet from the middle or centre thereof, or shall plough, harrow, or break up the soil of any land or ground, or in ploughing or harrowing the adjacent lands, shall turn his plough in or upon any land or ground within the distance of fifteen feet from the centre of any highway, where the breadth of such highway is formed and marked, or described with certainty, and does not exceed in breadth thirty feet, every person so offending shall forfeit, for every offence 40*s*. to such person who shall make information of the same; and the surveyor who hath the care of such road, may cause such hedge, ditch, or fence, to be taken down, or filled up,  
at



at the expence of the person to whom the same shall belong: And any justice, where such offence shall be committed, upon proof to him made upon oath, may levy as well the expences of taking down such hedges as the several penalties imposed, by distress and sale of the offenders goods and chattels, in such manner as distresses and sales for forfeitures are authorised to be levied by the act.

S E C T. LXIV.

The court before whom any indictment shall be tried for not repairing highways, may award costs to the prosecutor, to be paid by the person so indicted, if it shall appear to the court, that the defence made to such indictment was frivolous; or award costs to the person indicted or presented, to be paid by the prosecutor, if it shall appear to the court that such prosecution was vexatious.

Costs to be awarded by court, &c.

S E C T. LXV.

If the inhabitants of any parish, township, or place, shall agree, at a vestry or public meeting, to prosecute any person by indictment for not repairing any highway within such parish, township, or place, which they apprehend such person was obliged by law to repair, or for committing any nuisance upon highways, or shall agree at such vestry meeting to defend an indictment or presentment preferred against such parish, township, or place, the surveyor of such parish, township, or place, may charge in his account the reasonable expences incurred in carrying on such prosecutions, after the same shall have been agreed to by such inhabitants at a vestry or public meeting, or allowed by a justice within the limit where such highway shall be; which expences shall be paid by such parish, township, or place, out of the fines, forfeitures, compositions, payments, and assessments, authorised to be collected by the act.

Expences of prosecutions, &c. how to be paid.

S E C T. LXVI.

In all cases where a vestry or public meeting of the inhabitants of any parish, township, or place, is authorised by the act, there shall be public notice given of the day, hour, and place, of holding such meeting, at the church or chapel of such parish, township, or place, on the Sunday preceding such meeting, and also notice thereof in writing, specifying the purpose of such meeting, fixed

Notice for vestries or public meetings, &c.

## Abstract of an Act

fixed at the same time upon the door of such church or chapel, and the same shall not be held till three days at least after such notice given; and if there be no church or chapel, the like notice of such meeting shall be given in writing, and put up at the most publick place therein, three days at least before such meeting.

## S E C T. LXVII.

Affessments to  
be levied by dis-  
tress and sale.

If any person shall refuse to pay the sums assessed upon him by any assessment to be made in pursuance of the act, within ten days after demand thereof made, the same may be levied by the surveyor, or any person authorised, by warrant under the hand and seal of a justice of the peace, having jurisdiction therein, by distress and sale of the goods and chattels of the person so refusing or neglecting, rendering the overplus to the owner thereof, the necessary charges of making such distress and sale being first deducted; and in default of such distress, any justice may commit the person so refusing to the common gaol, until he shall have paid the sum so assessed, and the costs and charges occasioned by such neglect.

## S E C T. LXVIII.

Surveyor a good  
witness.

The surveyor of any parish, township, or place, shall be deemed, in all cases, a competent witness, in matters relative to the execution of the act, notwithstanding his salary may arise in part from the forfeitures hereby inflicted.

## S E C T. LXIX.

No objection for  
want of form.

The forms of proceedings relative to the matters contained, which are expressed in the schedule annexed, shall be used, upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigencies of the case; and no objection shall be made, or advantage taken, for want of form in such proceedings.

## S E C T. LXX.

Abstracts to be  
given to sur-  
veyors.

The justices, within their limits, shall, at every special-sessions to be held in the week next after the Michaelmas general quarter-sessions, procure and deliver a printed abstract of the most material parts of the act to every surveyor, to be then appointed by them, as the charge hereby directed to be given; and shall also, at their said special-

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special sessions, to be held in the year 1773, deliver to every of the surveyors, one other of the said printed abstracts, for the use of the parish, township, or place, for which the surveyor shall be appointed; which last-mentioned abstract the surveyors are ordered to fix on the church or chapel door, or other publick place, within their respective liberties, on the next Sunday after they shall so receive the same; and the surveyors shall severally pay to the justices clerks 6 *d.* for each of the said printed abstracts.

### S E C T. LXXI.

In case any person shall resist or make forcible opposition against any person employed in the due execution of the act, or make rescue of the cattle or other goods distrained; or if any constable, headborough, or tithingman, shall refuse to execute any warrant granted by any justice pursuant to the directions of the act; such person offending therein, and being thereof convicted by a justice, shall, for every offence, forfeit not exceeding 10 *l.* nor less than 40 *s.* at the discretion of the justice before whom he shall be so convicted; to be paid to the surveyor of the highways for the parish or place where the offence was committed, to be laid out in the repair of the highways: And in case he do not forthwith pay, or secure to be paid, the said forfeiture, after conviction; then such justice may commit such person to the common gaol, or house of correction, of the limit where such offence shall be committed, for any time not exceeding three months, unless the said forfeiture shall be sooner paid.

Penalty for resisting execution of this act.

### S E C T. LXXII.

All penalties and forfeitures by the act imposed for any offence against the same, and all costs and charges to be allowed and ordered by authority of the act, (the manner of levying and recovering of which is not otherwise particularly directed,) shall be levied by distress and sale of the goods and chattels of the offender, or person liable or ordered to pay the same, by warrant under the hand and seal of some justice for the limit where such offence, neglect, or default, shall happen, or such order for payment of such costs or charges shall be made, rendering the overplus of such distress (if any be) to the party, after deducting the charges of making the same; which warrant such justice

Penalties to be levied by distress and sale.



## Abstract of an Act

Offender living  
in another jurisdic-  
tion.

justice is empowered to grant upon conviction of the offender, by confession, or upon the oath of credible witnesses, or upon order made, as aforesaid; and the penalties when so levied, shall be paid, the one half to the informer, and the other to the surveyor of the highway where such offence or default shall happen; to be applied towards the repair thereof, unless otherwise directed by the act; but in case the surveyor shall be the informer, then the whole shall be employed towards the repair of such highway: And in case such distress cannot be found, and such penalties, or the costs and charges, forthwith paid, such justice, by warrant under his hand and seal, may commit such offender, or person liable to pay the same, to the common gaol, or house of correction, of the limit where the offence shall be committed, or such order shall be made; for any time not exceeding three months, unless the said penalty, costs, and charges, shall be sooner paid; and if such offender or person liable to pay the same shall live out of the jurisdiction of the justice authorised to grant such warrant, any justice of the peace of the limit wherein such person shall inhabit is required, and upon a true copy of the conviction whereby such forfeiture was incurred, and of the order for the payment of such costs and charges, produced and proved by a credible witness upon oath, by warrant under his hand and seal, to cause the penalty mentioned in such conviction, and the costs and charges mentioned in such order, or so much thereof as shall not have been paid, to be levied by distress and sale of the goods and chattels of such offender or person liable to pay the same, as aforesaid; and if no sufficient distress can be had, may commit such offender, or person liable, as aforesaid, to the common gaol of such limit, for the time, and in manner aforesaid.

## S E C T. LXXIII.

When warrant  
of distress to issue.

No warrant of distress, unless directed by the act, shall be issued for levying any penalty, costs, or charges, until six days after the offender shall have been convicted, and an order served upon him for payment thereof.

## S E C T. LXXIV.

How a prosecutor  
may proceed  
for the forfeiture.

Every prosecutor or informer may, at his election, sue for and recover any forfeiture imposed by the act, which shall amount to 40 s. or upwards, (the manner of recovery thereof

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thereof not being particularly directed by the act), either in the manner before directed, or by action at law, to be brought by such informer in any court of record in manner following, viz. Where any person shall be liable to such pecuniary penalty, it shall and may be lawful to sue for and recover the same by action of debt, in which it shall be sufficient to declare, that the defendant is indebted to the plaintiff in the sum of being forfeited by an act, passed 13 Geo. III. intituled, "An act to explain, amend, and reduce into one act of parliament, the statutes now in being for the amendment and preservation of the publick highways within that part of Great Britain called England, and for other purposes;" and the plaintiff, if he recovers in such actions, shall have double costs.

### S E C T. LXXV.

There shall not be more than one recovery for the same offence; and ten days notice in writing shall be given to the party offending previous to the commencement of such action, and commenced within one calendar month after the offence for which such action is brought shall have been committed.

When actions  
are to com-  
mence, &c.

### S E C T. LXXVI.

No conviction shall be made by virtue of the act, unless upon confession of the party accused, or upon the oath of credible witnesses, or upon the view of a justice in the cases before mentioned; and any inhabitant of a parish, township, or place, in which an offence shall be committed contrary to the act, shall be deemed a competent witness, notwithstanding his being an inhabitant of such parish, township, or place.

Evidence of con-  
viction.

### S E C T. LXXVII.

Any justice may administer an oath to witnesses, or other persons, for the better discovery and execution of the several matters before directed to be examined, inquired into, or performed, by such justice.

Justice may ad-  
minister oath.

### S E C T. LXXVIII.

Where any distress shall be made for sums to be levied by virtue of the act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of want of form in any proceeding

Distress not un-  
lawful for want  
of form.

G

relating

## Abstract of an Act

relating thereto, nor shall the party distraining be deemed a trespasser *ab initio*, on account of irregularity afterward done by the party distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

## S E C T. LXXIX.

If tender of amends, plaintiff not to recover, &c.

No plaintiff shall recover in any action for irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made on the behalf of the party who shall have committed such irregularity or wrongful proceeding, before such action brought; and in case no such tender shall be made, the defendant in such action, by leave of the Court where such action shall depend, at any time before issue joined, may pay into court such sum as he shall see fit, whereupon such proceedings or orders, and judgement, shall be had, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

## S E C T. LXXX.

Person aggrieved may appeal to quarter sessions.

If any person shall think himself aggrieved by any thing done by any justice or other person, in the execution of the powers given by the act, and for which no particular method of relief is appointed, every such person may appeal to the justices, at any general quarter sessions to be held for the limit wherein the cause of such complaint shall arise, such appellant giving notice in writing of his intention to bring such appeal, and of the matter thereof, to the justice, or person against whom such complaint shall be made, within six days after the cause of such complaint arose, and within four days after such notice, entering into recognizance before some justice within such limit, with one sufficient surety, conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by the justices at such quarter sessions; and every justice and other person, having received notice of such appeal, shall return all proceedings had before them touching the matter of such appeal to the justices, at their general quarter sessions, on pain of forfeiting 5 l. for every such neglect; and the justices, at such session, upon due proof of such notice being given, and of the entering into such recognizance, shall hear and finally determine the causes of such appeal in a summary way, and award



## concerning the Highways.

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award such costs to the parties appealing as they shall think proper; to be levied and recovered as before directed; and the determination of such quarter session shall be final and conclusive to all intents and purposes; and no proceedings to be had in pursuance of the act shall be quashed for want of form, or removed by *certiorari*, or any other writ, (except as before mentioned,) into any court of record at Westminster: Provided, that no such appeal shall be made against any conviction for a penalty or forfeiture incurred by virtue of the act, unless the person convicted shall, at the time of conviction, if he shall be then present, if not, within six days after, give notice of his intention to appeal, and at the same time enter into recognizance with sufficient sureties to pay such penalty, in case such conviction shall be affirmed upon such appeal; and upon his giving such security, the further proceeding for such penalty shall be suspended until such appeal shall be heard and determined.

### S E C T. LXXXI.

If any action or suit shall be commenced against any person for any thing done in pursuance of the act; in every such case, such action shall be commenced within three calendar months after the fact committed, and not afterwards; and the same shall be brought within the county where the fact was committed, and not elsewhere; and the defendant in every such action shall plead the general issue, and give the act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance of the act: And if the same shall appear to have been so done, or if any such action shall be brought after the time limited for bringing the same, or be brought in any other place than as afore mentioned, then the jury shall find for the defendant; or if the plaintiff become nonsuit, or discontinue his action, after the defendant shall have appeared, or if, upon demurrer, judgement shall be given against the plaintiff, the defendant shall recover treble costs, and have the like remedy for recovery thereof, as any defendant hath in other cases by law.

Time of commencing actions.

### S E C T. LXXXII.

The act shall commence and take place, with respect to the assembling of the householders, and others, and the

G 2

making

## Abstract of an Act

making and delivering of lists of persons, qualified to serve the office of surveyor, and the giving notices to the persons contained in such lists, upon September 21, 1773; and with respect to all other matters contained, on October 11, 1773.

## S E C T. LXXXIII.

Act of 7 Geo.  
3. repealed.

After October 10, 1773, act 7 Geo. III. intituled,  
“ An act to explain, amend, and reduce into one act of  
“ parliament, the several statutes now in being for the  
“ amendment and preservation of the publick highways of  
“ this kingdom, and for other purposes therein mention-  
“ ed, (except so much thereof as repeals the several acts,  
“ and parts of acts, therein mentioned, which are not  
“ revived by Act 8 Geo. III. intituled, An act to explain,  
“ amend, and render more effectual an act, passed in the  
“ seventh year of his present Majesty's reign, intituled,  
“ An act to explain, amend, and reduce into one act of  
“ parliament, the several statutes now in being for the  
“ amendment and preservation of the publick highways  
“ of this kingdom, and for other purposes therein men-  
“ tioned),” shall be, and is, by the present act, re-  
pealed.

## S E C T. LXXXIV.

Old surveyors to  
pass their ac-  
count, &c.

The surveyors appointed under the authority of act 7 Geo. III. shall produce such books and lists, and pass their accounts, before the justices, at their special sessions, to be holden within their limits, in the week next after the Michaelmas quarter sessions, in the year 1773, and pay the balances thereof, in such manner as they ought to have done at the special sessions, which was, by the said act, to have been held on the first Monday in October, or within fifteen days after; and if the justices shall appoint any surveyor under the authority of the said act, such appointment shall be void, and of no effect.

## S E C T. LXXXV.

This act not to  
extend to Bristol.

Nothing contained, touching the making and returning lists of persons qualified to be surveyors of the highways, and the appointment of such surveyors, nor the repeal of part of act 3 *Gul. & Mariae* relating to such surveyors, shall extend to the city of Bristol, but the several acts which have been passed previous to this, relative to surveyors

## concerning the Highways.

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veyors of the highways, and to cleansing, paving, lighting, and regulating the streets and places within the said city, shall remain in full force, and be executed in manner and form, as the same might or ought to have been, if this act had never been made.

### S E C T. LXXXVI.

Nothing in the act contained shall extend, to the parish of Saint Mary Matfelon, otherwise Whitechapel, and Saint John of Wapping, in the county of Middlesex. Nor to Whitechapel.

### S E C T. LXXXVII.

Nothing contained shall extend to alter, restrain, or abridge, the powers given to the commissioners of sewers by any act whatsoever, or to vary any of the provisions or regulations thereby made, or provided. No restriction on sewers.

ABSTRACT





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# A B S T R A C T

O F

*An ACT passed in the Thirteenth Year of the  
Reign of King George the Third,*

T O

*Explain, amend, and reduce into one Act of Parlia-  
ment, the general Laws now in being for regulating  
the Turnpike Roads in that Part of Great Britain,  
called England; and for other Purposes.*

## S E C T. I.

**A**LL trustees appointed by acts of parliament, for re-  
pair of any turnpike road within England, or five  
of them, at some publick meeting may, at any gate or  
bar, which they have erected, or shall erect, for the re-  
ceiving of tolls, or upon any part of the road within the  
jurisdictions, and at such a distance from any turnpike-  
bar or toll-gate as they shall think necessary, order to be  
erected a crane, machine, or engine, proper for the  
weighing of carts, or carriages, conveying of any goods  
whatever; and, by writing, signed by them, may order  
all carriages, which shall pass loaded through any such  
gate or bar, to be weighed, together with the loading  
thereof; and any five of them, may receive over the tolls  
granted, 20 s. for every 100 weight of 112 pounds to the  
hundred, which every waggon or cart hereafter described,  
together with the loading thereof, shall weigh, over the  
weights allowed to each of them; viz. To every waggon  
or four-wheel carriage, having the fellies or rollers of the  
wheels of the breadth of sixteen inches, eight tons in  
summer, and seven in winter; to every waggon or wain,  
having

Weighing en-  
gines to be erect-  
ed, &c.

Additional tolls  
for every hundred  
weight over the  
weights allowed.

## Abstract of an Act

having the axletrees thereof of such different lengths that the distance from wheel to wheel of the nearer pair of the wheels be not more than four feet two inches, to be measured at the ground, and that the distance from wheel to wheel of the other pair thereof be such, that the fore and hind wheels of such waggons and wains shall roll only one single surface or path of sixteen inches wide at the least, on each side of the waggons or wains, and having the fellies thereof of the breadth of nine inches from side to side at the bottom or sole thereof, six tons ten hundred in summer, and six tons in winter; to every waggon or four-wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth of nine inches, six tons in summer, and five tons ten hundred in winter; to every cart, having the fellies of the same dimensions, three tons in summer, and two tons fifteen hundred in winter; to every waggon, having the sole or bottom of the fellies of the wheels of the breadth of six inches, four tons five hundred in summer, and three tons fifteen hundred in winter; and to every such waggon so constructed as to roll and actually rolling a surface of eleven inches, by the wheels thereof, five tons ten hundred in summer, and five tons in winter; to every cart, having fellies of the wheels of the same dimensions, two tons twelve hundred in summer, and two tons seven hundred in winter; to every waggon, having the sole or bottom of the fellies of the wheels of less breadth than six inches, three tons ten hundred in summer, and three tons in winter; and to every cart, having the fellies of the wheels of the same dimensions, one ton ten hundred in summer, and one ton seven hundred in winter; and it shall be deemed summer from May 1, to October 31, both days inclusive, and winter from November 1, to April 30, both days inclusive: Which additional toll shall be levied and recovered upon any person liable thereto, in any of the cases aforesaid, or his goods or chattels, who shall, after demand made thereof, refuse to pay the same, in such manner as any other toll, payable at the same turnpike gate, is by law to be levied and recovered; and the money arising from such duty shall be applied to the repair of the turnpike road where the same shall be collected,

## S E C T. II.

Duty of toll-  
gate keepers.

The keeper of every such toll-gate, where such weighing engine shall be erected, or any other person appointed by the trustees, to the care of such weighing engine, shall



## concerning the Turnpike Roads.

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shall weigh all such waggons and carts liable to be weighed by virtue of the act, which shall pass loaded through such gates and which he shall have reason to believe carry greater weights than are allowed to pass without paying the said additional toll: and if any gate-keeper shall suffer such waggon or cart to pass through such toll-gate with greater weights than are allowed, without weighing the same, and receiving such additional tolls, he shall, for every offence, forfeit 5*l*.

### S E C T. III.

Any trustee, creditor, clerk, treasurer, or surveyor, of such turnpike-road, if he suspects any connivance or neglect, may cause any carriage, liable to be weighed by virtue of the act, which shall have passed through any toll-gate where such weighing engine shall be erected, and shall not have passed above three hundred yards beyond such toll-gate, to return to such weighing engine, and be there weighed with the loading which passed through such gate, in the presence of such trustee, creditor, clerk, treasurer, or surveyor, upon requiring the driver thereof to drive such carriage back to such weighing engine, and upon paying to him 1*s*. for so doing; which sum shall be returned to the person paying the same, if, upon weighing such carriage and loading, the same shall be found above the weight allowed by this act.

Trustee, &c. may cause carriages to be weighed.

### S E C T. IV.

The surveyors shall make proper places for turning such carriages upon every turnpike road, where such weighing engine shall be erected, within three hundred yards of such toll-gate, on each side thereof, if the ground will admit of the same; and there shall be a list of the names of all the trustees and creditors, and also of the clerk, treasurer and surveyor, of such turnpike road, put up in the house where such weighing engine shall be placed, to be inspected by the owner or driver of every carriage; and if the driver, being so requested to return with his carriage to such weighing engine, shall neglect or refuse so to do, he shall forfeit 40*s*.; and any peace-officer, or person present, upon such neglect or refusal, may drive and take such carriage back to such weighing engine, in order to be weighed as aforesaid.

Places to be made for turning carriages.

H

S E C T.

## Abstract of an Act

## S E C T. V.

If engines are erected, former acts to be continued.

All acts made for repairing and amending turnpike-roads, the trustees of which, shall, within twelve calendar months after the commencement of the act have caused to be erected and used thereupon such weighing engine, according to the direction and true intent of this act, shall be continued, and be in full force, for five years, to be computed from the several expirations of all such acts, and subject to all the tolls and duties, penalties, forfeitures, remedies, &c. respectively made, and enacted by any of the said acts now or heretofore made, for repairing and amending turnpike-roads.

## S E C T. VI.

Waggons, &c. employed in husbandry, excepted.

The regulations of weight before mentioned shall not extend to any waggons, carts, or carriages, employed only in husbandry, or carrying only manure for land, hay, straw, fodder, or corn unthreshed; and where lime or manure is by any particular turnpike act, permitted to pass through any turnpike-gate toll-free, or upon paying less toll than is required to be paid for other goods, it shall be weighed at all weighing engines upon such turnpike-road, together with the carriages in which such lime or manure shall be conveyed, and shall pay such additional toll for overweight as before directed.

## S E C T. VII.

Engines to be erected, by order of justices, &c.

The justices of the peace, within the limits of every county, riding, division, hundred, or precinct, at any general quarter-sessions of the peace, upon complaint made by a justice, or by any two creditors, or two trustees of any turnpike-road, within the limits of which they are creditors, or trustees, that such turnpike-road is much damaged by excessive weight being drawn thereupon, and that no weighing engine hath been erected, or ordered by the trustees of such turnpike-road to be erected, upon the same, to summon the clerk, surveyor, and treasurer, of such turnpike-road to appear before the justices, at their then next general quarter-sessions, to shew cause why weighing-engines should not be erected at or near such gate or gates, upon such turnpike-roads as shall be described in such summons; and if at such subsequent sessions the clerk, surveyor, and treasurer, shall not appear

## concerning the Turnpike Roads.

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appear before the justices at such sessions, or appearing, shall not shew sufficient cause to the justices against the erecting of such weighing engines, the justices at such quarter-sessions, may order engines to be erected upon such turnpike-road, at such places as they shall think proper; a copy of which order shall be immediately delivered to the clerk of such turnpike-road; and the trustees are, at their next meeting, to be held after their clerk shall have been served with such copy of the order aforesaid, to contract with some proper person for making and erecting such weighing engine with all convenient speed; and the treasurer of such road is to pay the expences attending the making and erecting of such weighing engine out of the money which shall then be or shall next come into his hands from the tolls arising upon such road.

### S E C T. VIII.

When two or more turnpikes meet at or near the same place, the trustees of such turnpike-roads, may fix upon some convenient place to erect a weighing engine upon, which will accommodate all such turnpike-roads; and, by agreement among themselves, proportion the expences which may attend the making, erecting, maintaining, and keeping such weighing engine, and likewise the money arising from forfeitures to be incurred for overweight at such weighing engine, amongst all such turnpike-roads, in such manner as to them shall appear just and reasonable.

One engine,  
where two roads  
meet.

### S E C T. IX.

The trustees of any turnpike-road, or their lessees, shall not make composition for tolls, in respect of any waggon, wain, cart, carriage, or horses, or beasts of draught, drawing the same, unless such waggons, wains, carts, and carriages, have the fellies of the wheels thereof of the breadth or gauge of six inches, or more.

No composition  
for tolls, unless  
fellies six inches  
broad.

### S E C T. X.

If any person shall unload goods, wares, or merchandises, from any cart, waggon, or carriage, (except such carriages as are before excepted,) at, or before the same shall come to any turnpike-gate or weighing engine, erected in pursuance of this or any other act, made for the repair or preservation of any turnpike-road; or shall

Forfeiture for  
unloading goods  
before coming to  
any gate, &c.



## Abstract of an Act

load or lay upon such carriage, (except as aforesaid,) after the same shall have passed any such turnpike or weighing engine, any goods, wares, merchandises, taken or unloaden from any horse, cart, or carriages, belonging to, or hired, or borrowed, by the same waggoner or carrier, in order to avoid the payment of the respective duties of 20s. *per* 100; or if any person shall unload, in order to carry considerable quantities of goods through any turnpike-gate, on one and the same day, and pay less toll at such turnpike-gate than would have been paid if such goods, wares, or merchandises, had not been so unloaden; each person so offending in any of the cases aforesaid, and being thereof lawfully convicted before a justice of the peace for the limit where the offence shall be committed, upon oath of one or more credible witnesses, shall forfeit 5*l.*; to be levied upon the goods and chattels of the owner of such cart, waggon, or carriage, and each driver, not being the owner of such waggon or carriage, so offending, and being thereof convicted, shall be committed to the house of correction for one month.

## S E C T. XI.

Penalty for turning out of the road, to avoid being weighed.

If the owner of any waggon, cart, or carriage, or person, being the driver thereof, travelling on any turnpike-road where a toll-gate or weighing engine is erected, shall drive or turn out of the same into any other road, in order to avoid being weighed, or to avoid the paying of toll, and shall afterwards proceed with such carriage into and on the same turnpike-road, every such owner, convicted of such offence before a justice for the limit where such offence shall be committed, upon oath of credible witnesses, shall forfeit, if he be the owner, not exceeding 5*l.* nor less than 20*s.*; and if he be the driver, and not the owner, not exceeding 50*s.* nor less than 10*s.* upon conviction, for every offence.

## S E C T. XII.

Manner of making wheels of carriages travelling on roads above twenty miles from London.

No carriage liable to be weighed by this act, shall pass along any turnpike-road, being above twenty miles from London or Westminster, unless the same shall be constructed in such manner, that no pair of such wheels shall be wider than four feet six inches from inside to inside, to be measured on the ground, (except wheels having the soles of the felloes thereof of the breadth of nine inches, which shall be so constructed as to roll a

Surface of sixteen inches; and the wider pair of such wheels shall not be more than five feet eight inches from inside to inside, to be measured on the ground,) and the distance from the centre of the fore wheel to the centre of the hind wheel of any waggon or four-wheeled carriage, not being used for the carriage of timber only, be not above nine feet, to be measured from the centre of the axle-trees at the ends thereof, on pain of the owner or owners of every such waggon, wain, or cart, forfeiting the sum of 5*l.* for every offence: and the surveyor or gate-keeper of any turnpike road is required, at any turnpike or toll-gate, or other place upon the turnpike-road, to measure such waggon, wain, or cart; and if any master or driver of a waggon, wain, or cart, shall hinder, or refuse to permit such surveyor or gate-keeper, to measure such waggon, wain, or cart, he shall forfeit the sum of 5*l.* and it shall not be lawful for any such waggon, wain, or cart, not permitted to be measured as aforesaid, to pass along any turnpike-road.

S E C T. XIII.

No waggon, wain, or four-wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth or guage of nine inches, shall pass or be drawn on any turnpike-road with more than eight horses; nor any cart or two wheeled carriage, having wheels of the breadth aforesaid, with more than five horses; and the horses in such carriages shall draw in pairs, (except an odd horse in any team, and except where the number of horses shall not exceed four;) and no waggon, wain, or four-wheeled carriage, having the sole or bottom of the fellies of the wheels of the breadth of six inches, shall pass or be drawn on any turnpike-road with more than six horses; and no cart, or two-wheeled carriage, having wheels of the breadth last-mentioned, shall be drawn on any turnpike-road with more than four horses; and no waggon, wain, or four-wheeled carriage, having the fellies of the wheels of less breadth than six inches, shall pass or be drawn on any turnpike-road with more than four horses; and no cart, or two-wheeled carriage, having the fellies of the wheels of less breadth than six inches, shall pass or be drawn on any turnpike-road with more than three horses; and the owner of every such waggon, wain, cart or carriage, shall forfeit 5*l.*; and the driver thereof, not being the owner, 20*s.* for every offence against the directions aforesaid, to any person who shall sue for the same.

Number of horses  
allowed to draw  
carriages.

S E C T.

## Abstract of an Act

## S E C T. XIV.

Carriages excepted.

All carriages moving upon rollers of the breadth of sixteen inches on each side thereof, with flat surfaces, are allowed to be drawn with any number of horses or cattle.

## S E C T. XV.

Informations for offences to be laid in three days.

No prosecution shall be commenced before a justice by way of information, for a forfeiture incurred by the owner or driver of a carriage having a greater number of horses therein than are allowed by the act, unless such information be laid within three days after the offence committed; and no action shall be commenced for any such offence, unless the same be commenced within one calendar month after the offence committed; and neither such information or action shall be laid, unless notice shall be given by the informer to the driver of such carriage, on the day upon which the offence shall be committed, of an intention to complain of such offence; and if it shall appear to the justice before whom such complaint shall be made, that the offender lives so remote as to make it not convenient to summon him to appear before such justice, he may dismiss the complaint, and leave the informer to his remedy by action at law.

## S E C T. XVI.

When a carriage is weighed, it may be drawn by any number of horses.

It shall be lawful for any waggon, wain, cart, or carriage, to be drawn with any number of horses upon any turnpike-road where a weighing engine shall be erected, provided such carriage shall be weighed at such engine: and that the owner or driver of such carriage may be furnished with proper evidence of the facts above mentioned, if any prosecution should be commenced against him for using a greater number of horses than are allowed by the act, the person who shall have the care of such weighing engine shall, on demand made by the driver of such carriage, give to such driver a ticket, certifying that such carriage was weighed, and the weight thereof, with the loading.

## S E C T. XVII.

Forfeiture for taking off horses, &c.

If any person shall take off any horse or beast of draught, from a waggon or carriage, or shall alter the distance of the



## concerning the Turnpike Roads.

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the wheels thereof, before the same shall come to any of the gates or turnpikes, with intent to avoid any toll, forfeiture, or penalty, for drawing with a greater number of horses or beasts of draught, or in any other manner than hereby allowed, each person so offending, and being convicted thereof before a justice of the peace for the limit where the offence shall be committed, upon the oath of credible witnesses, shall forfeit 5*l*.

### S E C T. XVIII.

If it shall appear to the trustees of any turnpike-road, by the oath of witnesses experienced in levelling, that any part of the rise of any hill upon such turnpike-road shall be more than four inches in a yard; in such case the said trustees, or seven of them, may allow such number of horses as they shall judge necessary, not exceeding ten for waggons with nine inch wheels, nor six for carts with nine inch wheels; and not exceeding seven for waggons with six inch wheels, nor five for carts with six inch wheels; and not exceeding five for waggons with wheels of less breadth than six inches, nor four for carts with wheels of less breadth than six inches; and in case it shall appear to the said trustees that the whole rise of any hill taken together shall be more than four inches in a yard upon an average, they may allow such number of horses as they shall think fit to be used in such waggons and carts, for the purpose only of drawing the same up such hills, the length and extent of such to be specified in such order of allowance, and the termination at each end to be marked by a post or stone, to be erected at such boundaries; and the said order of allowance shall be certified by the trustees, or their clerk, to the next general quarter-sessions of the peace of the limit within which such hills shall be situated: and if the facts, upon which the same is founded, shall, at the quarter-sessions, be proved upon the oath of credible witnesses, to the satisfaction of the justices on the bench, the said order of allowance shall be confirmed and filed among the records of the sessions by the clerk of the peace, or otherwise shall be vacated and quashed: and after such confirmation and filing, no person shall be liable to any penalty or forfeiture for using such number of horses as shall be so allowed in drawing any waggon or cart up such hills;

Horses allowed to draw up hills, &c.

## Abstract of an Act

hills; and the said justices, at any subsequent quarter-sessions of the peace, may reconsider the order of allowance and discharge the same.

## S E C T. XIX.

Horses allowed to draw through deep snow or ice.

If it shall appear, upon the oaths of credible witnesses to the satisfaction of a justice, or of a court of justice empowered to enforce the execution of the act, that any waggon, cart, or carriage, could not, by reason of a deep snow or ice, be drawn with the respective weights, and by the number of horses or beasts of draught allowed; then such justices or court are required to stop all proceedings before them for the recovery of any penalty which may have been incurred by drawing with a greater number of horses, or beasts of draught, than are allowed.

## S E C T. XX.

Horses in pairs not allowed to draw narrow wheeled waggons.

Any waggon, wain, or cart, having the sole or bottom of the fellyes of the wheels of less Breadth or guage than nine inches, may pass upon any turnpike road or through any turnpike gate or bar, if the same shall be drawn by horses in pairs, (except such waggons, wains, or carts, having the fellyes of the wheels of the breadth of six inches, as shall be allowed to be drawn in other manner by order of the trustees of any turnpike road within their district, made at a public meeting, consisting of seven trustees, or more; which order the said trustees may revoke at any subsequent meeting, and afterwards make a new one, if they think fit, for the same purpose, and fix it in writing upon every toll-gate within such district, and except carriages drawn by two horses only.

## S E C T. XXI.

Forfeiture for driving contrary to this act.

If any person shall, upon a turnpike road, drive any waggon, cart, wain, or carriage, not being marked according to the directions of the act; or drawn by more than the number of horses, or beasts of draught, hereby authorised; it shall be lawful for any constable, tithingman, surveyor, or other person, to apprehend and take such person so driving as aforesaid before a justice of the peace for the limit where the offence shall be committed, and, upon conviction thereof, either by the confession of the party, or by the oath of credible witnesses, before such justice, every such person so offending shall forfeit, for

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for every offence, not exceeding 5*l*. nor less than 10*s*. at the discretion of the justice before whom such offender shall be convicted.

### S E C T. XXII.

The trustees appointed by any act of parliament made for repairing and amending particular roads, or any five of such trustees, within their districts, are authorised, at the first meeting after the commencement of the act, to mitigate and reduce the high and extraordinary tolls and duties, in respect of such waggons, or other wheeled carriages only, having the wheels of the breadth or guage of six inches, in such manner as no greater toll or duty, in respect to waggons, be demanded or taken for the same than is provided and directed by the said acts to be paid and taken for waggons, and four-wheeled carriages, drawn by four horses, or beasts of draught: and no greater toll be demanded or taken for carts, having the fellies of their wheels of the breadth or guage of six inches, than is provided by such acts to be taken for carts drawn by three horses; and the trustees, within their districts, or any five of them, are hereby required to give directions, in writing, to the collectors within their districts, to take and receive such tolls, and no other.

Extraordinary  
tolls may be mi-  
tigated.

### S E C T. XXIII.

The trustees appointed by any act made for repairing or amending turnpike roads, or such persons as are authorised by them, may demand and take, for every waggon, wain, cart, or carriage, having the fellies of the wheels thereof of less breadth or guage than six inches from side to side at the least, at the bottom or sole thereof, and for the horses, or beasts of draught, drawing the same, one half more than the tolls which shall be payable for the same, and for every waggon, wain, cart, or carriage, having the fellies of the wheels thereof of less breadth or guage than six inches from side to side, at the least, at the bottom or sole thereof, and for the horses, or beasts of draught, drawing the same, after September 29, 1776, double the tolls or duties which shall be payable for the same by any act made for amending or repairing turnpike roads, before any such waggon, wain, &c. shall be permitted to pass through any turnpike gate or bar where tolls shall be payable by virtue of such acts.

Toll to be taken  
for narrow  
wheeled wag-  
gons.

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S E C T.



## Abstract of an Act

## S E C T. XXIV.

Carriages exempted from tolls.

No person shall, by virtue of the said acts, have claim, or take benefit or advantage of any exemption from toll, or pay less toll in respect of any waggon, wain, cart, or carriage, or horse drawing the same, and carrying any particular kind of goods, than other carriages of the like nature, carrying other goods, ought to pay, unless such waggon, wain, cart, or carriages, have the sole of the bottom of the fellies of the wheels of the breadth or guage of six inches, or upwards, (except carts and carriages employed in carrying corn or grain in straw, hay, straw, fodder, dung, lime for the improvement of land, manure, or implements of husbandry only;) but the toll required by the acts, together with the additional tolls required to be taken for every such waggon, wain, cart, or carriage, having the sole or bottom of the fellies of the wheels of less breadth or guage than six inches, and for horses, or beasts of draught, drawing the same, (except as before excepted,) shall be paid in the same manner, to all intents and purposes, as if no exemption, or less toll, had been enacted or allowed by any of the acts, and as fully as all waggons, wains, carts and carriages, and horses drawing the same, ought to pay, which are not intitled to any exemption from toll, in the whole or part; or to pay a less toll than other waggons, wains, carts, and carriages.

## S E C T. XXV.

No exemption unless the fellies lie flat.

No person shall take the benefit of such exemptions, or have the privilege before given of compounding, in respect of any carriage having the fellies of the wheels thereof of the breadth or guage of six inches, or upwards, unless the fellies, and the tire upon such fellies, shall lie flat.

## S E C T. XXVI.

What waggons, &c. shall pass toll free.

All waggons, carts, or carriages, moving upon rollers, of the breadth of sixteen inches on each side thereof, with flat surfaces, shall be permitted to pass or be drawn upon any turnpike road toll-free, for one year, to be computed from Michaelmas 1773; and after the expiration of the said term, all such waggons, carts, or carriages, shall pass upon any turnpike road, through any toll-gate or bar, upon paying only so much of the tolls and duties as shall not exceed one half of the full toll or duty payable by

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by this or any turnpike act, for all waggons, wains, or carts, having the fellies of the wheels of the breadth or guage of six inches from side to side, or for the horses or beasts of draught drawing the same, and not rolling a surface of sixteen inches on each side; and no more than half toll shall be paid in respect of waggons having the fellies of the wheels of the breadth of nine inches, and rolling a surface of sixteen inches on each side thereof, after the commencement of the act.

### S E C T. XXVII.

Nothing before contained shall extend to any chaise-marine, coach, landau, berlin, chariot, chaise, chair, calash, or hearse, or to the carriage of ammunition or artillery that shall be for his majesty's service, or to any cart drawn by one horse, or two oxen, and no more; or to any carriage, having the sole or bottom of the fellies of the wheels thereof of the breadth of nine inches, which shall be laden with one block of stone, one piece of marble, one cable rope, one piece of metal, or one piece of timber.

Carriages excepted out of this act.

### S E C T. XXVIII.

If any person shall take the benefit of exemptions by virtue of this or any other act made for the repair of any turnpike roads, in any fraudulent manner, such person shall forfeit, for every offence, not exceeding 5*l.* or less than 40*s.* at the discretion of the justice before whom such offender shall be convicted.

Forfeiture for taking benefit of any exemption.

### S E C T. XXIX.

The trustees appointed by any act now in force for repairing and amending particular roads, are empowered, at a meeting to be held for that purpose, of which one calendar month's notice shall be given in writing, to be affixed on all turnpike gates which shall be then erected upon such roads, and in some publick news-paper circulated in that part of the country, from time to time, may lessen or reduce any of the tolls granted by the said acts, during such time as the trustees, or any seven of them, shall think proper; and at any meeting, from time to time, if they shall see occasion, to advance tolls so lessened to any sum, not exceeding the several rates granted by such acts.

Tolls may be reduced.

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## S E C T. XXX.

Creditors to consent to altering tolls.

Where the money borrowed on the credit of the tolls, granted by any act, shall not have been paid and discharged, no such tolls shall be lessened without the consent of the persons intitled to five-sixths of the money remaining due upon such tolls.

## S E C T. XXXI.

Tolls may be farmed to the best bidder.

The trustees of any particular turnpike act, or seven of them, at a publick meeting, may let to farm the tolls of the gates erected upon their turnpike roads, in the manner after mentioned, although no express power shall have been given by such turnpike act for that purpose; and whenever any tolls shall hereafter be let to farm, by virtue of this or any other act, the following directions shall be observed; *viz.* The trustees shall cause notice to be given of the time and place for letting the same at least one month before the day to be appointed for that purpose, by fixing the same upon every toll-gate belonging to such turnpike road, and also upon the market-cross of the market town nearest to the place where the tolls are to be let, and also in some publick news-paper circulated in that part of the country, and specifying in such notice the sum which the tolls produced in the preceding year, clear of the salary for collecting the same, in case any hired collector was appointed, and that they will let such tolls by auction to the best bidder, on his producing sufficient sureties for payment of the money, monthly or quarterly, as shall be required by the trustees; and they will be put up at the sum which they were let for in the preceding year, clear of the salary of the collector; and to prevent fraud, or undue preference in the letting thereof, the trustees are required to provide a glass with so much sand in it as will run from one end of it to the other in one minute; which glass, at the time of letting the said tolls, shall be set upon a table, and immediately after every bidding the glass shall be turned, and as soon as the sand is run out, it shall be turned again, and so for three times, unless some other bidding intervenes: And if no person shall bid until the sand shall have run through the glass for three times, the last bidder shall be the farmer of the tolls, and shall immediately enter into a proper



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proper agreement for the taking thereof, and paying the money at the times specified in such notice, or as shall be agreed upon between him and the trustees; and in case no bidder shall offer, the trustees may appoint a collector of such tolls, or fix some future day for the letting thereof, as they shall judge most proper, upon giving such notice thereof, and may, in that case, put them up at such sum as they shall think fit: And if the person who shall be the farmer of such tolls shall take a greater or less toll from any person than what are authorised by this or the turnpike act, he shall, for every such offence, forfeit 5*l*. and shall also forfeit the contract for renting the tolls if the trustees shall think fit to vacate the same; and every other gate-keeper impowered to collect the tolls, who shall take a greater or less toll than as aforesaid, shall, for every offence, forfeit 40*s*.

### S E C T. XXXII.

The surveyors of all turnpike roads shall cause the statute-duty required by the turnpike acts, and the compositions arising from the same, to be performed, and expended, upon the turnpike road lying within the parish, township, or place, from which such duty shall be required, and not elsewhere, and shall forfeit 40*s*. for every misapplication thereof; and where there are two or more turnpike roads under several acts within the same parish, township, or place, and the statute duty directed by such acts to be taken or applied for the repair of such turnpike roads within such parish, township, or place, shall exceed three days duty in the whole; then it shall be lawful for two or more justices of the limit where such turnpike roads shall be, and they are required, at some special-sessions, to proportion the statute-duty betwixt such turnpike roads and the other highways in such parish, township, or place, in such manner as they shall think fit, having regard to the condition of the several roads and highways, and also to the tolls and revenues arising from such turnpike roads, the justices previously summoning the clerks and surveyors of such turnpike roads, and likewise the surveyors of the highways, for such parish, township, or place, who are required to attend the justices upon such summons.

Statute-duty  
shall be performed  
in the place  
where it arises.

### S E C T.

## Abstract of an Act

## S E C T. XXXIII.

Costs to be proportioned between inhabitants and trustees.

When the inhabitants of any parish, township, or place, shall be indicted or presented for not repairing any highway, being turnpike road, and the court before whom such indictment or presentment shall be preferred shall impose a fine for the repair of such road, the same shall be proportioned, together with the costs attending the same, between the inhabitants of such parish, township, or place, and the trustees of such turnpike road, in such manner as to the court, upon consideration of the circumstances of the case, shall seem just; and such court may order the treasurer of such turnpike road to pay the sum so proportioned for such turnpike road out of the money then in his hands, or next to be received by him, if it shall appear to such court, from the circumstances of such turnpike-revenues, that the same may be paid without endangering the security of the creditors who have advanced their money upon credit of the tolls to be raised thereupon; which order shall be binding upon such treasurer.

## S E C T. XXXIV.

No side-gate to be erected without order of trustees.

No toll-gate to be erected on the side of any turnpike-road, unless the same be ordered by the trustees, at a meeting, of which twenty-one days publick notice shall have been given in writing, affixed upon all the toll-gates erected on such roads, and also in some publick news-paper circulated in that part of the country, specifying the place where such side-gate is intended to be erected, and unless nine trustees at least (being a majority of those present) shall sign the said order at such meeting; and no person shall be liable to pay toll at any toll-gate erected across or on the side of any turnpike road, or be subject to any penalty for a carriage, horse, or beast, which shall only cross such road, and shall not pass above 100 yards thereon, except over some bridge, erected at a considerable expence by the trustees of such turnpike road.

## S E C T. XXXV.

Money subscribed for making turnpike roads to be recovered.

In case any person shall agree to advance any sum to be employed in the making or repairing any turnpike road, or highway intended to be made turnpike, and shall subscribe his name to any writing for that purpose, such person

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son shall be liable to pay every sum so subscribed, according to the purport of such writing, and in default of payment thereof, being twenty-one days after the same shall become payable, according to the purport of such writing, and shall be demanded by the person to whom the same is made payable by such writing; or if no person be named for that purpose by the treasurer of such turnpike, or intended turnpike road, it may be lawful for every treasurer, or other person, to sue for and recover the same, in any court of record, by action of debt, or on the case, bill, suit, or information, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed,

### S E C T. XXXVI.

On every turnpike road, where a sufficient quantity of stone, gravel, chalk, or materials, cannot be provided and carried by the labourers and teams required to perform statute-duty upon the same, the surveyor, with the consent of the trustees, shall contract for the getting and carrying thereof, at some time and place to be fixed for that purpose, of which ten days notice in writing shall be given, by fixing the same on the door of the church or chapel of such parish, township, or place, or, if there be no church or chapel, at the most publick place there, which notice shall specify the work to be done, and the time and place for letting thereof: And in case any surveyor shall have any share or interest, directly or indirectly, in such contract, or in any other bargain, for work or materials, to be made or provided, upon, for, or on account of any of the highways, roads, bridges, or works, under his care or management; or shall, upon his own account, directly or indirectly, let to hire any team, or dispose of any timber, stone, or materials, to be used in making or repairing such roads, bridges, or works, unless a licence in writing for the sale of such materials, or for letting to hire such team, be first obtained from the trustees, he shall forfeit, for every offence, 10 l. and be for ever after incapable of being employed as a surveyor, under the authority of this or any other act.

Materials to be contracted for by surveyor.

### S E C T. XXXVII.

In case the surveyor, or other person, having the care of any turnpike road, shall knowingly suffer to be or remain, for four days, in any part thereof, within ten feet on either side of the middle of such road, any post, heap of stones, or earth, set up, or raised in or above the surface

Forfeiture for suffering rubbish to lie within ten feet of the middle of the road.



## Abstract of an Act

face of the road, by which the passage may be obstructed, impeded, confined, or straitened, (other than posts, blocks, stones, or banks of earth, fixed in the ground, or raised for securing horse or foot roads, or passages for water, and also direction-posts and stones,) such surveyor or other person shall forfeit 40 s.

## S E C T. XXXVIII.

Penalty for incroachment within thirty feet of the middle of the road.

In case any person shall incroach, by making any hedge, ditch, or fence, on any turnpike road, within thirty feet from the middle thereof; or shall plough, harrow, or break up the soil of any land or ground; or in ploughing or harrowing the adjacent lands, shall turn his plough or harrow in or upon any land or ground within the distance of fifteen feet from the centre of any turnpike road; every person so offending shall forfeit, for every offence 40 s. to such person as shall make information of the same: And the trustees who have the care of such road, or any five of them, may cause such hedge, ditch, or fence, to be taken down or filled up, at the expence of the person to whom the same shall belong; and any justice, upon proof thereof to him made upon oath, may levy as well the expences of taking down such hedges, as the several penalties imposed, by distress and sale of the offenders goods and chattels, rendering the overplus to the owner on demand.

## S E C T. XXXIX.

Forfeiture for destroying or damaging mile-stones, &c.

Whereas several evil-disposed persons may wilfully or wantonly pull up, cut down, remove, or damage the posts, blocks, and stones, fixed on foot-caufeways, &c. and great stones, so fixed or to be fixed, as aforesaid, and drive carriages upon such banks and causeways, or against the sides thereof, and also dig or cut down the said banks, which are the securities and defence of the said causeways, whereby the causeways or banks are often ruined and destroyed; and such evil-disposed persons do or may break, damage, or throw down the stones, bricks, or wood, fixed upon the parapets or battlements of bridges, and may pull down, destroy, obliterate, or deface, any mile stone or post, graduated or direction post or stone, erected or to be erected, upon any turnpike road: For prevention thereof, every person who shall be guilty of such offence, shall upon complaint made to any justice of the limit where the same shall be proved to be done, by

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by the oath of a credible witness, or upon view of the justice himself, forfeit, for every of the said offences, not exceeding 5 *l*. nor less than 10 *s*. ; and in default of payment thereof, shall be committed to the house of correction of such limit, there to be whipped and kept to hard labour for any time not exceeding one calendar month, nor less than seven days, at the discretion of such justice, unless the same be sooner paid.

### S E C T. XL.

In case the driver of any cart, car, dray, or waggon, shall ride upon any carriage in a street or highway, not having some other person on foot, or on horseback, to guide the same, (such carriages as are conducted by some person holding the reins of the horses drawing the same excepted); or if the driver of any carriage, on any part of a street or highway, shall, by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being upon such street or highway; or shall quit the highway, and go on the other side the hedge or fence inclosing the same; or wilfully be at such distance from such carriage, or in such a situation, whilst it shall be passing upon such highway, that he cannot have the direction and government of the horses or cattle drawing the same; or shall, by negligence, or wilful misbehaviour, prevent, hinder, or interrupt the free passage of any other carriage, or of his Majesty's subjects, on the highways; or if the driver of an empty or unloaded waggon, cart, or carriage, shall refuse to turn aside and make way for any coach, chariot, chaise, loaded waggon, cart, or loaded carriage; or if any person shall drive any such coach, post chaise, or carriage, let for hire, or waggon, wain, or cart, not having the owner's name, as required, painted thereon; or shall refuse to discover the true Christian and surname of the owner of such carriage; every such driver so offending in any of the cases aforesaid, and being convicted of such offence, either by his confession, the view of a justice, or by the oath of credible witnesses, before any justice of the limit where such offence shall be committed, shall, for every offence, forfeit not exceeding 10 *s*. in case such driver shall not be the owner of such carriage; and in case the offender be the owner of such carriage, then a sum not exceeding 20 *s*.; and in either of the said cases, he shall, in default

Penalty on driver misbehaving, &c.

K

of

## Abstract of an Act

of payment, be committed to the house of correction for any time not exceeding one month, unless such penalty shall be sooner paid; and every such driver offending in either of the said cases, may, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately delivered to a constable, or peace officer, in order to be conveyed before some justice, to be dealt with according to law; and if such driver, in any of the cases aforesaid, shall refuse to discover his name, the justice before whom he shall be taken, or to whom such complaint shall be made, may commit him to the house of correction for any time not exceeding three months, or to proceed against him for the penalty aforesaid, by a description of his person, and the offence, and expressing in his proceedings, that he refused to discover his name.

## S E C T. XLI.

Direction posts  
to be put up,  
where cross  
roads meet.

The trustees, appointed to execute any act made for the repair of any turnpike road, shall direct the surveyor of such turnpike road, where several highways meet, and there is no sufficient direction-post or stone already erected, immediately to erect, in the most convenient place where such ways meet, a stone or post, with an inscription thereon, in large letters, containing the name of, and distance from, the next market town, or other considerable place, to which the highways lead; and also at the several approaches or entrances to such parts of any highways as are subject to deep or dangerous floods, graduated stones or posts, denoting the depth of water in the deepest part of the same, and likewise such direction-posts or stones, as the trustees shall judge to be necessary, for the guiding of travellers in the best and safest tract through the said floods or waters; and shall order the surveyors to erect mile-stones or posts upon such turnpike road, with proper inscriptions and figures thereon, denoting the names and distances from the principal towns or places on each road, and, from time to time, to repair such stones and posts, and keep and continue legible the inscriptions thereon; and the surveyor shall be reimbursed the expences of providing, erecting, repairing and continuing the same, out of the tolls and duties granted by such acts; and in case any surveyor shall, by the space of three months after such direction to him given, neglect to cause such



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such stone or post to be fixed or repaired, every such offender shall forfeit 20 s.

### S E C T. XLII.

If any person shall, either by day or night, maliciously pull down, pluck up, throw down, level, or destroy any turnpike-gate, or any post, rail, wall, chain, &c. belonging to a turnpike-gate; or any house erected for the use of such turnpike-gate; or any crane, machine, or engine, made on any turnpike road by authority of parliament, for weighing waggons, carts, or carriages; or shall forcibly rescue any person, being lawfully in custody of any officer, for any of the offences before mentioned; then every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall be transported to one of his Majesty's plantations for seven years, or shall be committed to prison for any time not exceeding three years, at the discretion of the judge or court before whom such offender shall be tried; and an indictment for such offences may be inquired of, examined, tried, and determined, in any adjacent country within England, in such manner and form as if the facts had been therein committed.

Person destroy-  
ing turnpike-  
gates, to be  
transported.

### S E C T. XLIII.

The inhabitants of every hundred in England, within which such offences shall be committed, by pulling down or destroying any such turnpike gate, or such post, rail, &c. belonging to any turnpike gate, or any chain, bar, fence, or house erected, for the use or service of collecting the tolls, or any crane, machine, or engine, erected on any turnpike road, for weighing waggons, carts, or carriages, at any place appointed by the trustees, acting under the acts for amending any turnpike road, shall make full satisfaction for the damages thereby suffered; and the damages may be recovered by action of debt, bill, plaint, or information, in any court of record, in the name of the clerk of the peace of the county wherein such offences shall be committed, without naming the Christian or surname of the clerk; and such action shall not be abated by the death or removal of such clerk, but may be sued by his successors; and the said damages, so to be recovered, shall be to the only use and behoof of the trustees of such turnpike road where the offence shall have been committed, to

The hundred to  
make satisfac-  
tion, unless the  
offender be con-  
victed.

be by them applied to the several uses and purposes, and in such manner, as the tolls, rates, and duties, by virtue of such acts of parliament, shall be disposed of; and all the inhabitants of such hundred shall be rateably and proportionably taxed toward an equal contribution, for the relief of such inhabitants against whom execution for such damages shall be had and levied, which tax shall be levied and raised by such means, and in such manner and form, as is prescribed for the levying and raising the damages recovered against inhabitants of hundreds, in case of robberies, by any act of parliament: Provided, that upon conviction of such offender, within twelve months after the offence committed, any hundred, or the inhabitants thereof, liable to make, and having made such satisfaction, shall be repaid the sums they have so paid out of the tolls of the turnpike where the offence was committed.

## S E C T. XLIV.

Qualification and  
oath of trustees.

And whereas great mischiefs have arisen from mean persons acting as trustees in the execution of such acts of parliament, made for repairing publick roads in England, as do not direct that the trustees thereby appointed shall be qualified to act as such by the possession of real or personal estates to a certain value; it is enacted, That no person shall be qualified, or capable of acting as a trustee in the execution of such act, unless he shall be in his own right, or in the right of his wife, in the actual possession or receipt of the rents and profits of lands and tenements of the clear yearly value of 40 *l.*; or possessed of, or intitled to, a personal estate to the value of 800 *l.*; or shall be heir-apparent of a person possessed of an estate in land, of the clear yearly value of 80 *l.*; and unless he hath taken, or shall, (not being such heir-apparent) before he acts as such trustee, subscribe the oath following before two of the trustees, by or in pursuance of such act, who are authorised to administer the same to the effect following; *viz.*

“ I A. B. do swear, That I truly and *bona fide* am, in  
 “ my own right, or in the right of my wife, in the  
 “ actual possession and enjoyment, or receipt of the rents  
 “ and profits of lands, tenements, or hereditaments, of  
 “ the clear yearly value of forty pounds; or possessed of,  
 “ or

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“ or intitled to, a personal estate to the value of eight hundred pounds,” (as the case may be.)

“ So help me GOD.”

And if any person shall presume to act, contrary to the true intent hereof, such person shall, for every such offence, forfeit 50 l. to any person who shall sue for the same; to be recovered in any court of record, by action of debt, or on the case, or by bill, suit, or information, wherein no essoin, wager of law, or more than one imparlance, shall be allowed; and such person so sued shall prove that he is qualified as above, or otherwise shall pay the said 50 l. without any other proof or evidence on the part of the plaintiff than that such person hath acted as a trustee in the execution of such act.

### S E C T. XLV.

All clerks, treasurers, surveyors, and officers, appointed by any act made for the repair of turnpike roads, and their executors or administrators, shall, within ten days after notice in writing to them given by the trustees of such roads, or any five of them, at a meeting held pursuant to such act, produce and deliver up to such trustees all books, accounts, or writings, relating to the execution of such offices, which shall be in their custody or power; and every such officer as aforesaid, neglecting or refusing to produce and deliver up such books, accounts, &c. after such notice as aforesaid, shall, for every neglect or refusal, forfeit 20 l.

Accounts to be delivered up on pain of forfeiting 20 l.

### S E C T. XLVI.

No person who shall keep any victualling-house, alehouse, or who shall sell wine, cyder, beer, ale, or strong liquors, by retail, shall be capable of acting as a trustee, or of enjoying any place of trust or profit under the trustees of any act made for erecting turnpikes, or of collecting the tolls thereby granted and made payable, during such time as he shall keep such victualling-house, alehouse, &c. or shall sell wine, beer, cyder, ale, or strong liquors, by retail; but no such person shall be precluded from farming such tolls, provided he employs a person to collect them who shall not be under such incapacity.

Innkeeper not to be trustee.

### S E C T.



## S E C T. XLVII.

Expences of prosecutions to be paid by trustees.

The trustees of the several roads respectively, or any five of them, at publick meeting, may direct prosecutions by indictment against offenders, for any nuisance done, committed, or continued, in or upon any of the turnpike roads under their care, at the expence of the revenues belonging to such turnpike roads, to be allowed by such trustees, or five of them, at some subsequent meeting: Provided, that nothing in the act shall be construed to empower the trustees to prosecute any person for such offence, unless upon the confession of the offender, or that witnesses can be produced to prove the commission of such offence.

## S E C T. XLVIII.

Fraudulent informations to be void.

All justices before whom there shall be any information or proceeding for any penalty or forfeiture inflicted by this or any act of parliament made for repairing and amending turnpike roads, are required, where information or conviction shall be set up or insisted upon, by way of defence, or to defeat any information or proceeding, or any forfeiture inflicted as aforesaid, may examine into the real merits of such information, proceeding, or conviction; and, if thereupon it shall appear that the same was not done, made, or prosecuted effectually, to recover and apply the penalty for the real ends and purposes for which such penalties were enacted, but to favour the offender, such information or conviction shall be deemed to be fraudulent, and null and void; and such justice shall proceed to determine and convict, as if no information or conviction had been made, prosecuted, or obtained.

## S E C T. XLIX.

Notice to be given of a subsequent meeting, if trustees do not appear.

Where a sufficient number of trustees, appointed by acts of parliament made for amending or repairing particular turnpike roads, shall not meet on the day appointed by such acts for their first meeting, or shall not meet on the day appointed by adjournment for their meeting, or for want of a proper adjournment, by which means the intent of the said acts may be frustrated; in either of the said cases, the trustees present, or the major part of them, or in case no trustee shall be present, their clerks may cause notice in writing to be affixed on all turnpike-gates which

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which shall be then erected on the roads, or if no turnpike-gate shall be then erected, may cause the like notice to be affixed in the most conspicuous place in one of the principal towns or places nearest to which the roads directed to be repaired do lie, and also in some public newspaper circulated in that country, at least ten days before the intended meeting, appointing such trustees to meet at such place where the preceding meeting was appointed to have been held, or at the place directed for the first meeting of such trustees, if no such preceding meeting shall have been held; and the trustees, when met, in pursuance of such notice, shall proceed and carry such acts into execution, in the same and as ample a manner, to all intents and purposes, as they might have done if no such neglect had happened.

### S E C T. L.

No meeting of such trustees shall at any time be adjourned for longer time than three calendar months from the day on which such adjournment shall be made; and no business shall be proceeded upon by the trustees, at any meeting to be held under this or any acts made for repairing turnpike roads, before ten in the forenoon; and no adjournment shall be made to any hour later than two in the afternoon of the day on which such meeting shall be appointed to be held; and every act agreed upon at any meeting shall be signed at the said meeting by a competent number of trustees, or otherwise every such meeting, adjournment, and act, shall be void, and of none effect.

Meeting not to be adjourned above three months.

### S E C T. LI.

If the trustees appointed to put any act made for the repair of a turnpike road into execution, shall abuse or exceed their power, by erecting, or continuing gates or turnpikes, where they have not power, by virtue of any act, to erect such gates or turnpikes, the justices of the limit where such gates or turnpikes shall be erected or continued, in their general quarter sessions assembled, upon complaint of such abuse or excess of power, in a summary way, may hear and determine the same, and thereupon order the sheriff of the county, who is required to execute such order, to remove such gates or turnpikes.

Justice may order gates to be removed.

### S E C T.

## S E C T. LII.

Mortgagees to  
account upon  
oath.

Every mortgagee that hath taken, or been in possession, or shall hereafter take, or be in possession of, any toll gate or bar, erected on any turnpike road, or of any lands or tenements, the rents and profits whereof are appropriated to the repair of a part of any turnpike road, shall, within fourteen days after he shall have received notice in writing from the trustees, or any five of them, render, upon oath, to be administered before one justice, or any one trustee of such turnpike road, an exact account, in writing, to such trustees, or to any person appointed by them, to be named in such notice, of all monies received by such mortgagee, or by any other person, for his use and benefit, or by his authority, at such toll gate or bar, or otherwise, and of what he has expended in keeping or repairing the same: and in case he shall neglect to render such account when required, in manner directed, he shall forfeit to the trustees, for every refusal or omission, to render such account, 10 l. to be recovered by the trustees, or five of them, or by their treasurer or clerk, in a summary manner, before a justice of peace, which, when recovered, shall be applied to the use of the roads whereon such toll gate or bar shall be erected.

## S E C T. LIII.

Forfeiture of  
mortgagee keep-  
ing possession af-  
ter he is paid.

If any mortgagee shall keep possession of a toll gate or bar, by him, or by any person on his behalf, and receive the tolls or duties thereat, or of such rents or profits as aforesaid, after such mortgagee shall have received the full sum due on his mortgage, and the interest thereof, with costs, such mortgage shall forfeit, as a penalty to the trustees, double the sum he shall have received above the sum due, as aforesaid, with treble costs of suit; to be recovered by the trustees, or by their treasurer or clerk, by action of debt, bill, plaint, or information, in any court of record; which, when recovered, shall be applied to the use of the respective roads on which such toll gate or bar shall be placed, or such rents appropriated.

## S E C T. LIV.

If gate-keeper  
dies, trustees to  
appoint another.

Two trustees of any turnpike road, upon the death of any toll-gatherer or gate-keeper, may nominate and ap-  
point



point some other fit person in his place until the next meeting of the trustees of such road, which person shall have the like power, and be accountable in the same manner, in all respects, as the person so dying had, or would have been, if living : and if any toll-gatherer, or gate-keeper, who shall be discharged from his office by the trustees authorised for that purpose, shall refuse to deliver up the possession of the house, buildings, and appurtenances, which he enjoyed in right of his appointment to that office, within two days after notice of his discharge shall be given to him, or left at his house ; or if the wife or family of such toll-gatherer or gate-keeper, who shall die, shall refuse to deliver up the possession of such house, buildings, and appurtenances, within four days after such new appointment shall be made, any justice for the limit where such turnpike-house shall be, by warrant under his hand and seal, may order the constable, or peace officer, with such assistance as shall be necessary, to enter such house and premises in the day-time, and to remove the persons who shall be found therein, together with their goods, out of such house, and to put the new-appointed officer into the possession thereof.

S E C T. LV.

The gate-keeper or toll-gatherer of every toll-gate or bar, and every surveyor of a turnpike-road, shall, when required, by notice, in writing, from the trustees, render upon oath, to be administered by and taken before any justice or trustee of such road, a true account, in writing, to the trustees, or any person to be named in such notice appointed by them, or any five of them, of all monies received by him at such toll-gate or bar, or otherwise, on account of such turnpike-road, not before accounted for, under the penalty of 5*l.* for every offence or neglect ; to be recovered in a summary manner before a justice, and applied to the use of the road on which such toll-gate shall be placed.

Surveyor and gate-keeper to account upon oath.

S E C T. LVI.

No gate-keeper is to be removed as a pauper, unless actually chargeable to the parish, &c. ; nor shall he gain a settlement by renting the tolls, nor be assessed for the toll-house or tolls, towards the payment of any poors rate or parochial levy.

No gate-keeper to be removed, unless, &c.

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## Abstract of an Act

## S E C T. LVII.

Penalty or gate-keeper offending.

Gate-keepers permitting a greater number of horses, or carriages constructed otherwise than allowed by the act, or without proper inscriptions painted thereon, and not prosecuting for the same, forfeit 40s.

## S E C T. LVIII.

Justices may transfer the statute-duty, to the parish roads.

The justices, at any special-sessions, upon application to them made by the surveyor of any parish, township, or place, if the state of the roads admit thereof, may summon the clerk and surveyor of such turnpike-road, to appear before them, at some other special-sessions, and there produce before them a state of the revenues and debts belonging to such turnpike-road, and such justices then and there may enquire into the condition of the repairs thereof, and also of such other highways; and if it shall appear to them upon clear evidence, that the whole or any part of such statute-duty, may be conveniently dispensed with from such turnpike-road, without endangering the securities for the money advanced upon the credit of the tolls, and that such statute-duty is wanted for the repairs of the other highways within such parish, or place; then the justice may order the whole, or part, of such statute-duty to be performed upon the highways, not being turnpike, within such parish or place, under the direction of the surveyor thereof, during such time as to them shall seem just and reasonable, and the same shall be performed accordingly.

## S E C T. LIX.

Justices in Wales to allow additional number of horses.

The justices within the principality of Wales, at their respective general sessions, to be held in the week after Michaelmas, may licence an increase of the number of horses to be employed in drawing carriages on any turnpike-road within their jurisdictions, over the number before limited, if upon enquiry into the condition of such roads they shall find an additional number of horses necessary, and at any Michaelmas quarter-sessions, may revoke, alter, or vary the same, as they shall think fit; and neither the owner or driver of the horses so licenced shall incur any forfeiture for using such increased number of horses.

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## concerning the Turnpike Roads.

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### S E C T. LX.

No toll shall be collected at any toll-gate, in respect of carriages solely employed in carrying materials for the repair of any turnpike-road or public highway, or for going to such employment, or returning. Carriages exempted.

### S E C T. LXI.

No surveyor shall gather stones from the common fields or inclosed lands of any person without his consent, or a licence from a justice of peace. No surveyor to gather stones, &c.

### S E C T. LXII.

As many persons are liable by tenure, inclosure, &c. to the repair of highways, which having become turnpike-roads, are more used, and occasion an increase of the expence in repairing and maintaining thereof, which ought in some degree to be laid upon such turnpike-road; it is enacted. that the trustees of such turnpike-road may agree with the person liable to repair such highway, for the repair thereof, and contribute so much to the repair thereof, out of the tolls arising upon such turnpike-road, or out of the statute duty belonging to the same, as they shall think reasonable. Trustees may agree with persons liable to repair, &c.

### S E C T. LXIII.

The inhabitants of every parish, township, or place, and person who was, or shall be, liable to the repair of any old highway or road, which hath been diverted, shall respectively continue in the same manner liable to the repair of any new highway or road, or so much thereof as shall be equal to the burthen and the expence of repairing such old highway or road from which he shall be exonerated, by turning the same; and that if the several parties interested cannot agree therein, the same shall be viewed by two justices of the limit where such road shall be, and settled and determined by them, in such manner as they shall think just; and after such determination of the justices, the inhabitants of the parish or place, or the person liable to repair such new highway or road, shall bear all charges of indictments and prosecutions for not repairing the same: and if it shall be found more convenient to fix a gross sum, or an annual sum, to be paid Inhabitants liable to repair old highways are obliged to repair new ones.



## Abstract of an Act

by such inhabitants, or person, towards the repair of such new highway or road, instead of fixing the proportion of such new highway or road, to be repaired by him, the said justices may, with the consent of such person, and also of the inhabitants interested therein, obtained at a public meeting held for that purpose, and also of the trustees at a public meeting, if it be turnpike-road, order the same accordingly; which order shall be binding to all persons whomsoever.

## S E C T. LXIV.

Evidence against trustee.

In all cases where an action shall be brought against any trustee of any turnpike-road, evidence of such trustee having acted as such, together with the act of parliament by which he was appointed, or the order, or a copy of the order for his appointment, in case he was appointed by the trustees, shall be sufficient proof of his being a trustee.

## S E C T. LXV.

Treasurers to give security.

The treasurers and surveyors who have not already given security, shall give bond, with surety, to the trustees, for the duly paying and applying the money in their hands.

## S E C T. LXVI.

Table of tolls to be put on toll-gate.

The trustees, on September the 30th next, are to put on every toll-gate a table of the tolls, and also of the weights allowed to each carriage; and the trustees are to examine, or cause to be examined, the weighing-engines, to see they are kept in good order.

## S E C T. LXVII.

Two oxen to be deemed one horse.

In order carriages, wherein oxen, or neat cattle shall be used, two oxen or neat cattle shall be considered as one horse, for all the purposes mentioned in the act, or any particular turnpike-act, with respect to tolls.

## S E C T. LXVIII.

Name of owner to be painted on waggon, &c.

For the better discovery of offenders, the owner of every waggon, wain, or cart, and also of every coach, post-chaise, or carriage, let to hire, shall paint upon some conspicuous part of his waggon, wain, or cart, and upon the pannels of the doors of all coaches, post-chaises, or carriages,

## concerning the Turnpike Roads.

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carriages, before the same shall be used upon any turnpike-road, his christian and surname, and the place of his abode, in large legible letters; and continue the same thereupon, so long as such waggon, cart, coach, post-chaise, or carriage, shall be used upon any such turnpike-road; and the owner of every common stage waggon or cart, employed in travelling stages from town to town, shall, over his or her christian and surname, paint on the part, and in the manner aforesaid, the following words, *COMMON STAGE WAGGON*, (or *CART*, as the case may be;) and every person using such carriage, as aforesaid, upon any turnpike-road, without the names and descriptions painted thereon, as aforesaid, or who shall paint any false or fictitious name, or place of abode, on such waggon, wain, cart, coach, post-chaise, or carriage, shall forfeit, for every offence, not exceeding 5*l.* nor less than 20*s.*

### S E C T. LXIX.

After Michaelmas, 1776, the tire of all waggons, &c. shall be flat, and the nails sunk so as not to rise above the surface; and the offender shall forfeit 40*s.* and the driver 20*s.* for every offence.

Tire of waggons to be flat.

### S E C T. LXX.

When the powers for providing materials, enlarging and turning turnpike-roads, making drains, pruning hedges and trees, and calling forth the statute-duty, are ineffectual, and where more ample powers for these purposes are given by the highway-act, the surveyor of turnpike-roads, with the approbation of the trustees, may execute and enforce these powers upon and for the benefit of the turnpike-roads, upon the terms, and under the restrictions, in the highway act.

Surveyor to enforce powers on the terms in the highway act.

### S E C T. LXXI.

When materials shall be dug or got by the surveyor of a turnpike-road, in the several or inclosed lands or grounds of any person, for the use of any turnpike-road, by or under the authority of the act, or of the said acts, for the amendment and preservation of the highways, satisfaction shall be made by the trustees of such turnpike-road to the owner or occupier of such lands or grounds, for the materials so to be dug or got, and also for the damages in carrying

Satisfaction to be made for materials.

## Abstract of an Act

carrying away the same, in such manner as satisfaction is or shall be required to be made for the damages occasioned by the digging, getting, and carrying away the materials in several inclosed lands or grounds, by virtue of the said act or acts for preservation of the highways.

## S E C T. LXXII.

Certain forms of proceedings to be used.

The forms of proceedings relative to the matters contained in the act, which are set forth in the schedule hereunto annexed, shall be used upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigencies of the case; and no objection shall be made, or advantage taken, for want of form in such proceedings, by any person whomsoever.

## S E C T. LXXIII.

Penalty on constables, &c. refusing to execute the act.

To enforce further a due observance of the act, every constable, headborough, or tythingman, refusing or neglecting to put the act into execution, or to account for and deliver any forfeiture, according to the directions of the act; and every surveyor of a turnpike-road, and every toll-gatherer, and other person employed by trustees appointed for the repairing roads, who shall receive salaries, and who shall wilfully neglect, for one week after the offence committed, to lay such information upon oath before his majesty's justices for the limit wherein such offence was committed, as by the act is directed, shall, upon due information made upon oath before one justice for the limit, forfeit, for every neglect, 10*l*.

## S E C T. LXXIV.

Evidence to convict on this act.

No conviction shall be had by virtue of the act, unless, upon confession of the party accused, or upon the oath of credible witnesses; and any inhabitant of a parish, township, or place, in which any offence shall be committed contrary to the act, shall be deemed a competent witness, notwithstanding his being an inhabitant of such parish, township, or place; and any justice may act in the execution of the act, notwithstanding he may be a creditor, or a trustee for repairing and amending the roads on which any offence contrary to the act shall be committed.

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### S E C T. LXXV.

If any person shall resist, or make forcible opposition against any person employed in the due execution of the act, or any particular act made for amending any particular highway; or shall assault any collector of the tolls in the execution of his office; or shall pass through any turnpike gate, rail, or chain, or other fence set up by authority of parliament, without paying the toll appointed to be paid at such gate or fence; or shall hinder or obstruct any person in the measuring or gauging the wheels of any carriage, or make any rescue of cattle or goods, distrained by virtue of the act; or if any constable, headborough, or tythingman, shall refuse to execute any warrant granted by any justice, pursuant to the directions of the act; every person offending therein, and being convicted thereof, in manner aforesaid, shall, for every offence, forfeit not exceeding 10*l.* nor less than 40*s.* at the discretion of the justice before whom he shall be so convicted; to be paid to the surveyor of the turnpike-roads where the offence was committed, and laid out in the repairs thereof: and in case he do not forthwith pay the said forfeiture, after such conviction, such justice of the peace may commit such person to the common gaol, or house of correction, of the county, division, or place, where such offence shall be committed, there to remain for any time not exceeding three months, unless the forfeiture shall be sooner paid.

Penalty on resisting the execution of the act.

### S E C T. LXXVI.

All penalties imposed for any offence against this act, and all costs to be allowed and ordered by the authority of the act, (the manner of levying and recovering of which is not otherwise particularly directed,) shall be levied by distress and sale of the goods and chattels of the offender, or person liable to pay the same, by warrant under the hand and seal of some justice for the limit where such offence, neglect, or default, shall happen, and such order for payment of such costs shall be made, rendering the overplus of such distress and sale, if any, to the party, after deducting the charges of making the same; which warrants such justice is impowered to grant, upon conviction of the offender, by confession, or upon the oath of credible witnesses, or upon order made, as aforesaid; and

Penalties and forfeitures shall be recovered by distress and sale.

## Abstract of an Act

and the penalties and charges, when so levied, shall be paid, the one half to the informer, and the other to the surveyor of the turnpike road where such offence, neglect, or default, shall happen; to be employed towards the repair thereof, unless otherwise directed by the act: And in case such distress cannot be found, and such penalties, for the said costs, shall not be forthwith paid, such justice is required, by warrant under his hand and seal, to commit such offender or person liable to pay the same, to the common gaol, or house of correction, of the limit where the offence shall be committed, or such order, as aforesaid, shall be made, for not exceeding three months, unless the penalty, or charges, shall be sooner paid: And if such offender, or person, liable, or ordered to pay the same, shall live out of the jurisdiction of the justices authorised to grant such warrant, any justice of the peace of the limit wherein such person shall inhabit, upon request to him for that purpose made, and upon a true copy of the conviction whereby such forfeiture was incurred, or of the order for the payment of such charges, produced and proved by a credible witness upon oath, by warrant, under his hand and seal, may cause the penalty mentioned in such conviction, or the costs in such order, to be levied by distress and sale of the goods and chattels of such offender, or person liable, or ordered to pay the same; and if sufficient distress cannot be had, may commit such offender or person, to the common gaol, or house of correction, of such limit, for the time, and in manner aforesaid.

## S E C T. LXXVII.

Time to issue  
warrant of dis-  
tress.

No warrant of distress, unless directed by the act, shall be issued for levying any penalty or charges, until six days after the offender shall have been convicted, and an order served upon him for payment.

## S E C T. LXXVIII.

Forfeitures to be  
applied to use of  
the roads.

Whatever penalty shall be levied on the information of the surveyor of a turnpike-road, or of any toll-gatherer, or person employed by the trustees, and receiving salaries for their services, and not otherwise directed by the act, shall be applied to the amending of the turnpike-roads, and to no other purpose.

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### S E C T. LXXIX.

Every prosecutor may, at his election, sue for and recover any forfeiture imposed by acts made for erecting turnpikes, or for repairing and amending turnpike-roads, in the manner after mentioned, viz. If the same shall not amount to 40s. it shall be recoverable only by information before a justice; and if the same shall amount to 40s. or upwards, it may be recovered by information, or by action of debt, in any court of record; in which it shall be sufficient to declare that the defendant is indebted to the plaintiff, in the sum of being forfeited by an act, passed the thirteenth of George III. intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*; and the plaintiff, if he recover in such action, shall have full costs: provided, there shall not be more than one recovery for the same offence; and ten days notice in writing be given to the party offending, previous to the commencement of such action; and the same shall be commenced within one calendar month after the offence for which such action is brought shall have been committed.

Manner of recovering forfeitures.

### S E C T. LXXX.

Where distress shall be made for any sum, to be levied by virtue of the act, the distress itself shall not be deemed unlawful, nor the party making it a trespasser, for want of form, or irregularity in the proceedings; but the party aggrieved may recover satisfaction for the special damages.

Distress not unlawful for want of form.

### S E C T. LXXXI.

The plaintiff is not to recover for any irregularity in the proceedings, if tender of amends be made before the action is brought; and the defendant is to pay money into court.

If tender of amends, plaintiff not to recover.

### S E C T. LXXXII.

If any person shall think himself aggrieved by any thing done by a justice in pursuance of the act, except under the particular circumstances after mentioned, and for which no particular method of relief hath been appointed, such person may appeal to the justices at any general quarter-sessions to be held for the limit wherein the cause of complaint shall arise; such appellant first giving to such justice,

Persons aggrieved may appeal.

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justice,



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justice, by whose act such person shall think himself aggrieved, notice in writing of his intention to bring such appeal, and of the matter thereof, within six days after the cause of complaint arose, and within four days after such notice, entering into recognizance before some justice, with one sufficient surety, conditioned to try such appeal at, and abide the order of, and pay such costs, as shall be awarded by the justices at such sessions; and each justice, having received notice of such appeal, shall return all proceedings whatever had before them, touching the matter of such appeal, to the justices at their general quarter-sessions, on pain of forfeiting 5*l.* for every neglect; and the justices, at such session, upon due proof of such notice being given, and of the entering into such recognizance, shall hear, and determine the causes of such appeal in a summary way, and award such costs as they shall think proper, to be levied as herein-before directed; and the determination of such quarter-sessions shall be final and conclusive to all intents; and no proceeding to be had in pursuance of the act shall be quashed for want of form, or removed by *Certiorari*, or other writ, into any court of record at Westminster.

## S E C T. LXXXIII.

Notice of appeal  
to be given at  
time of conviction.

No appeal shall be made against any conviction for a penalty incurred by virtue of the act, unless the person convicted shall, at the time of conviction, if he shall be then present, if not, within six days after, give notice of his intention to appeal, and at the same time enter into recognizance, or give security, with sufficient sureties, to pay such forfeiture, in case such conviction shall be affirmed upon such appeal; and upon his giving such security, the proceedings for such penalty shall be suspended until such appeal shall be heard and determined.

## S E C T. LXXXIV.

Power to administer oaths.

And where any oath is hereby required and directed to be made or taken, the justices of the peace of any limit, or the trustees of any turnpike road, (as the case may be,) and according to the several jurisdictions herein given to them respectively, as aforesaid, shall, and they are hereby respectively empowered to administer the same.

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S E C T. LXXXV.

If an action be commenced for any thing done under the act, it shall be brought within three months after the offence committed, and in the county where the defendant resides, or the fact was done; and the defendant may plead the general issue, and give the act, and special matter, in evidence: And, if the plaintiff proceeds in any other manner, the jury are to find for the defendant, and he is to have treble costs.

Action to be brought in three months.

S E C T. LXXXVI.

After September 28, 1773, an act, passed the seventh of George III. intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads of this Kingdom, and for other Purposes therein mentioned,* (except so much as repeals the several acts therein mentioned,) shall be, and the same is repealed; and the act shall commence and take effect on September 29, 1773.

Statute 7 Geo. III. repealed.

F I N I S.

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11-3-27

1. The first part of the document is a list of names and addresses, which are arranged in a columnar fashion. The names are written in a cursive script, and the addresses are written in a more formal, printed style. The list is organized into two columns, with the names on the left and the addresses on the right.

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The first of these is the fact that the  
 government has been unable to raise the  
 necessary funds to meet its obligations.  
 This has been due to a variety of factors,  
 including the fact that the government has  
 been unable to collect the necessary taxes.  
 The second factor is the fact that the  
 government has been unable to borrow the  
 necessary funds from the international  
 market. This has been due to the fact  
 that the government has a poor credit  
 rating, which makes it difficult for it to  
 obtain loans. The third factor is the fact  
 that the government has been unable to  
 reduce its expenditures. This has been  
 due to the fact that the government has  
 been unable to implement the necessary  
 reforms.

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